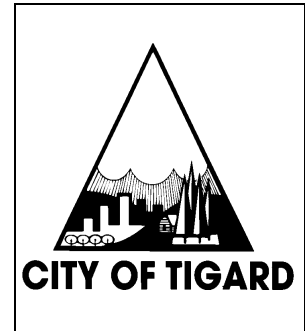

TIGARD CITY COUNCIL
WORKSHOP MEETING

August 21, 2001 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead-time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting date by calling:

503-639-4171, x309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL WORKSHOP MEETING
August 21, 2001

6:30 PM

1. WORKSHOP MEETING
 - 1.1 Call to Order - City Council
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non Agenda Items

2. UPDATE ON WASHINGTON COUNTY VISION WEST
 - a. Staff Report: Administration Staff
 - b. Presentation by Walt Peck, County Communications Officer
 - c. Council Discussion, Questions, Comments

3. JOINT MEETING WITH THE PLANNING COMMISSION
 - Introduction: Community Development Staff
 - 3.1 Review the conclusions and recommendations of the Washington Square Regional Center Task Force

4. DISCUSSION OF LAND USE APPEAL PROCESS
 - a. Staff Report: Community Development Staff
 - b. Council Discussion, Questions, Comments

5. DISCUSSION OF METRO'S 2040 GROWTH CONCEPT
 - a. Staff Report: Community Development Staff
 - b. Council Discussion, Questions, Comments

6. UPDATE ON PHOTO RADAR
 - a. Staff Report: Police Staff
 - b. Council Discussion, Questions, Comments

7. SOLID WASTE RATE POLICY CLARIFICATION AND FEEDBACK
 - a. Staff Report: Risk Management and Finance Staff
 - b. Council Discussion, Questions, Comments
 - c. Council Direction requested on financial rates and rate adjustment strategy

8. COUNCIL LIAISON REPORTS

9. NON-AGENDA ITEMS

10. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

11. ADJOURNMENT

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AGENDA ITEM # _____
FOR AGENDA OF August 21, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Washington County Vision West Update

PREPARED BY: Elizabeth Ann Newton DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

An update on Washington County's Vision West project

STAFF RECOMMENDATION

No action needed. This is an information item.

INFORMATION SUMMARY

Washington County is going through a visioning process called VisionWest. Over the past five months, more than 1300 community representatives participated in the outreach stage of the project. Attached is a copy of the VisionWest update that includes the outreach results. Walt Peck, the County's Communications Officer will attend the August 21st council meeting to present an update on the process to date, what's next, and how Tigard staff, elected officials, and citizens have been involved.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

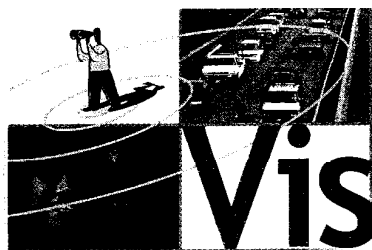
Community Character and Quality of Life, Communication, Goal #1) Citizen involvement opportunities will be maximized by providing educational programs on process, assuring accessibility to information in a variety of formats, providing opportunities for input on community issues and establishing and maintaining a program of effective two-way communication.

ATTACHMENT LIST

VisionWest Update, Spring/Summer 2001: Issue 1

FISCAL NOTES

None



Spring/Summer 2001

Issue 1

VisionWest Update

Building on a Heritage of Partnership

In smaller, self-contained communities, it's not unusual to find a recognized gathering place for the folks who make things happen. While there is always the danger that these "movers and shakers" may not represent the full range of community interests, they can play an important role in focusing the resources of public organizations, community groups, and private institutions on local issues.

"There are a lot of good things here, but if we're not careful – it could be chaos."

Tino Ornelas

This "café model" for problem solving doesn't work in our vibrant and diverse community of 450,000. Yet there is a definite need for collaboration that links the efforts of businesses, schools, local governments, churches, not-for-profits and community organizations in Washington County. "That's where the huge untapped potential lies for all of us," says County Administrator Charlie Cameron.

A desire to realize that potential prompted the Washington County Board of Commissioners to convene the VisionWest Project last fall. "As we visited with people throughout the county, it became very clear that we all need to pay more attention to how we work together or, in some cases, how we fall short in that regard," says County Board Chair Tom Brian.

Five months and nearly 200 presentations later, over 1,300 Washington County residents have participated in VisionWest outreach. They include long-time residents concerned about growth, new immigrants struggling to make ends meet, and young families enjoying the benefits of successful high-tech industries. Issues that they identified for greater collaboration can be grouped into eight issue areas (see page 2). Regardless of their background and experience, many of the VisionWest participants expressed the sentiments of technology entrepreneur Tino Ornelas, "There are a lot of good things here, but if we're not careful - it could be chaos."

How do we avoid the chaos? How do we enhance and coordinate our efforts to keep Washington County a great place to call "home"?

By building on our heritage of partnership. Whether it's transportation, water quality, juvenile crime prevention strategies, or providing shelter for the homeless, cooperation is already commonplace in Washington County. So is a sense that much more collaboration can and must occur.

VisionWest is about expanded, strategic collaboration that involves all sectors of the Washington County community. It's the recognition that in addition to new homes, roads, schools, and high-tech plants, our growing county needs an investment in civic infrastructure. We need to

place a priority on working together to solve common problems.

Which is why the comments of Pastor Diane Dulin of the First Congregational Church in Hillsboro resonate with so many. "This (VisionWest) is a fortuitous opportunity to form partnerships - which might have taken much longer to develop - with people who share common concerns." ■

Next Steps - Your Help is Needed

As the long list of issues on page 2 makes clear, Washington County residents are concerned about many things.

With that in mind, the next step in the VisionWest process is to prioritize which issue areas should receive immediate attention. If you weren't able to attend the "Evening of Celebration and Collaboration" on May 23, you can pass along your top issues by email (comments@vision-west.org) or by calling 503-846-8166.

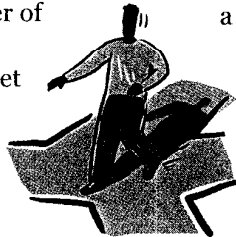
Once an issue area has been prioritized, a community team will be pulled together to research it, investigate strategies used to address the issue in other communities (best practices), and identify new ways that organizations in the county can work together to address the matter. Initially, a priority will be placed on strategies that can be achieved in a short period of time. If you would like to participate on an Issue Team, send an email (comments@vision-west.org) or call 503-846-8166.

What & Why

Outreach Results

Over the past five months, more than 1300 community representatives have participated in the outreach stage of VisionWest. They have shared their insights and concerns about community issues most important to them. Their ties to the community include education, businesses, public agencies, churches, service organizations, not-for-profits, and citizen groups. As their feedback has been compiled and synthesized, the following eight common themes have emerged:

► **Basic Needs.** There is a sense that a significant number of Washington County residents struggle to meet basic needs such as access to health care (including mental health and dental care) and provision of nutritious food.



► **Children and Families.** People have noted the importance of attending to the social, educational, health and recreational needs of children and families. This includes quality and affordable day-care, after school programs, health care and other services that support positive growth and development.

► **Environment.** The value of natural resources of this county in terms of aesthetic beauty, healthy living and recreational opportunities is quite important to its residents. The worth of natural areas and recreational resources is heightened as we become increasingly urbanized. In addition, people are concerned about ensuring clean air, water and physical environment.

► **Education.** A good educational system is vital for preparing the future work force, parents and productive citizens. It also helps to create equality among residents, while recognizing diverse educational needs and providing a range of extracurricular activities.

► **Community Connections.** There is a great desire for residents to share a sense of connection and a mutual stake in addressing the concerns and problems of this increasingly diverse community. There is a general perception that this diversity should be seen as an asset and used to encourage tolerance, understanding and cultural exchange between all community members.

To develop this feeling of community identity, there is a sense that strong and committed leadership must be developed, supported and encouraged.

► **Economy.** Continuing to diversify and strengthen the county's employment base is seen as imperative to the future. Some are concerned that over-reliance on the high-tech sector may lead to problems if a significant economic downturn is experienced. A continued robust agricultural sector is also important, given its economic value and role in maintaining a "connection to the land" and the county's rural character. All income and ethnic groups should have equal economic access through adequate education and job training.

► **Housing.** Consistently mentioned as an important issue, housing has been discussed in fairly broad terms. Concerns include maintaining housing options for those exceeding the median household income and providing safe, clean and affordable housing to those residing below the median household income. Other factors include providing affordable housing close to employment and transportation centers and establishing an increased number of emergency shelters.

► **Transportation.** Particular concern has been given to the impacts of congestion on overall mobility; provision of services by businesses, government agencies and not-for-profits; and the ability of people to travel to the places they need and want to go. Many have also noted the importance of balancing the locations of jobs and housing, while others wonder if this is possible or realistic given frequent changes in jobs and two-worker households. ■

VisionWest: Encouraging Connections in Our Community

VisionWest is dedicated to greater collaboration among all sectors of the community. Why? Because 21st century challenges in Washington County defy solutions by a single institution.

It's important to acknowledge that we're not starting from scratch. This is a county where partnership is already commonplace. That said, the short history of many of our institutions, rapid growth, and emerging new issues means that there are many more opportunities for collaboration to occur.

Sometimes hard work simply goes unnoticed. "After Columbine, several youth-focused groups came together in Tigard and Tualatin and shared all the good work that's being done with youth," says Community Newspaper Publisher Steve Clark. "However, if there's not a structure, it's easy for those folks doing the work to become anonymous and lose momentum... that anonymity allows people to get a start but not quite get over the hump. With the (VisionWest) project, there could be a recognition and acknowledgment of who's doing what on these issues."

"VisionWest is all about connections," says high school student and Tualatin Youth Advisory Council member Katie Fidler. "It's giving different parts of the community, that are their own separate entities, a chance to work together."

"To the extent that we can help folks get together, and then get out of the way, good things can happen," says Lou Ogden, Mayor of Tualatin. "It's about connecting wires from time to time."

Austin, Texas Provides An Example

"It's like a three-legged race," says wholesale nursery owner Bob Terry. "We've just got to get in step with one another."

But how? How do we encourage on-going collaboration in Washington County? A similar question eventually led to an organization called the Community Action Network in Austin, Texas. Fred Butler, the organization's Executive Director, sums up the forces that prompted the creation of his organization this way: "The greater Austin area decided it didn't want to leave collaboration to chance. We are big enough and diverse enough that it made sense to formalize our commitment to working together."

Butler and his staff of two will never be mistaken for a new layer of bureaucracy in the Austin area. "We exist to make it easier and more convenient for very busy folks to do what they really want to do, which is work together."

The Community Action Network has created a structure that encourages leadership from public, private, faith, not-for-profit, and community organizations to establish shared priorities and strategies. "We also share information, including regular assessments of how our community is doing in a variety of social and economic areas," says Butler. "That common knowledge has been incredibly useful and empowering for everyone."

Butler and Judge Sam Biscoe, the top elected official for Travis County (home to Austin) and a strong supporter of the CAN, attended the VisionWest "Evening of Celebration and Collaboration" on May 23.

VAN: A Champion for Collaboration in Washington County

So how do we move from talking about strategic collaboration to making it happen? How do we move from issue driven partnerships to a whole new level of cooperation that cuts across many issues and every sector of our community?

These questions have led to the formation of an organization that will move the work of VisionWest from a "project" to a sustainable effort.

The Vision Action Network (VAN) is a recently incorporated non-profit organization that will support and coordinate efforts towards a more livable Washington County. The VAN will work with partners in all sectors of the community to research community issues, coordinate strategy development, monitor and report on community benchmarks.

"The Vision Action Network is an entirely independent organization," says VisionWest Project Manager Don Bohn. "It will draw its resources and strengths from the many, many Washington County organizations, businesses and community groups that support the importance of working together."

Bohn expects that the first organizing meeting of the VAN and appointment of a Board of Directors will occur late this summer. From there he hopes that the first VAN staff member can soon be hired with funds provided by VAN members. "Based on the conversations I've had with folks, I think there's going to be a huge amount of interest and participation." ■

Meet the Vision Advisors

The Vision Advisors have been asked to help guide the VisionWest project. Additionally, it is likely that a number of them will be asked to serve on the Board of Directors for Vision Action Network. As the list makes clear, they represent virtually every sector of Washington County -- as they should.

"This project is ultimately about the people of Washington County," says County Administrator Charlie Cameron. "The Vision Advisors are diverse because our community is diverse. What they share in common is a passion to ensure that Washington County is a great place to call home."



Bev Allert
Tom Brian
Bill Christopher
Steve Clark
Roy Dancer
Rob Drake
Diane Dulin
Faith Gablenick
John Griffiths
Ron Hauge
Todd Herberg
David Hoffman
Carl Hosticka
Tom Hughes
Jill Kirk
David Leslie
Doug Longhurst
Sue Marshall
Jack McGowan
Mary Monnat
Gil Munoz
Jerralynn Ness
Linda Netherton
Lawrence Norvell
Lou Ogden
Tino Ornelas
Jose Ortega
Conrad Pearson
Vergie Ries
Katie Riley
Mike Salsgiver
Sabino Sardinetta
Dick Stenson
Bob Terry

Christ the King Lutheran Church
Washington County Board of Commissioners
Portland Community College
Community Newspapers
Beaverton Committee for Citizen Involvement
City of Beaverton
First Congregational Church
Pacific University
Tualatin Hills Parks and Recreation District
Oregon Human Development Corporation
NW Educational Services District
Washington County Committee for Citizen Involvement
METRO
City of Hillsboro
Tektronix
Ecumenical Ministries of Oregon
Housing Development Corporation
Tualatin Riverkeepers
SOLV
Tualatin Valley Centers
Virginia Garcia Memorial Health
Community Action Organization
Housing Development Corporation
United Way
City of Tualatin
Ornelas Enterprises, Inc.
St. Matthews Catholic Church
Pearson Financial
City of Forest Grove
Commission on Children & Families
Intel
Centro Cultural
Tuality Healthcare
Fisher Farms



VisionWest
155 N First Ave., Suite 210, MS 28
Hillsboro, OR 97124-3072

AGENDA ITEM # _____
FOR AGENDA OF August 21, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Washington Square Regional Center Implementation Plan

PREPARED BY: Jim Hendryx DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Joint Planning Commission and City Council meeting to review the conclusions and recommendations of the Washington Square Regional Center Task Force concerning the Washington Square Regional Center Plan and Implementation Program.

STAFF RECOMMENDATION

Review the *Summary Report* and provide input to staff on the Task Force's conclusions and recommendations and the final work products. Staff recommends that City Council and the Planning Commission direct staff to move forward with the implementation process, and to return in the late fall (November/December) with a draft resolution implementing the Plan, a draft work program for both short-and long-term implementation actions and with comprehensive plan and zoning amendments to reflect Phase II work.

INFORMATION SUMMARY

In February 2000, the Tigard City Council approved the Washington Square Regional Center Plan, dated September 1999, and related Comprehensive Plan and Zoning Code amendments, withholding enactment of these policies and standards until a number of transportation, natural resource, stormwater, and parks and open space issues were addressed. The Ordinance adopting the WSRC Plan and code changes is attached as Exhibit A and the minutes from the City Council meeting adopting the Ordinance are attached as Exhibit B. Council requested the development of recommendations for stormwater drainage; development of recommendations for open space, environmental and natural resource issues; and preparation of strategies and a financial plan for transportation improvements.

The Washington Square Regional Center Task Force was re-convened and oversaw the Phase II work, and four Technical Advisory Subcommittees (TASes) reported to the Task Force and worked closely with City staff and a consultant team led by Spencer & Kupper. In addition, two public events were held to solicit public comment on the TAS' and Task Force's work.

In July 2001, the TASes and Task Force completed the Phase II work program, producing a total of nine technical reports, plans and strategies (Exhibit C). The work products from Phase II further refine the proposals in the WSRC Plan, and the findings are based on the work of the Task Force, Technical Advisory Subcommittees, staff and consulting team, and consultation with the public. These documents' recommendations and conclusions are summarized in the *Summary Report: Task Force Recommendations* (Exhibit D). The *Summary Report* concludes that all elements of the Washington Regional Center Plan are

feasible and there are no "fatal flaws"; the infrastructure projects cited in the Plan are needed *regardless* of the Plan; funding mechanisms are critical, and there are several options to pursue. The report includes recommendations for both short-term and long-term implementation strategies for stormwater, transportation, natural resources, parks and open space. It also presents several infrastructure funding options, including federal, state, and local funding programs; allocation of system development charges; formation of local improvement districts; grants and private sources; and urban renewal.

On July 25, 2001, the Task Force accepted by resolution (Exhibit E) the technical work products produced during the Phase II Implementation process, and endorsed the overall findings, conclusions and recommendations contained in the *Summary Report*. The Task Force recommended that the cities of Tigard and Beaverton, and Washington County take immediate steps to implement the Washington Square Regional Center Plan, and initiate actions to carry out the recommendations contained in the *Summary Report*. The Task Force resolved to report the Phase II conclusions and recommendations to the cities of Tigard and Beaverton, and Washington County.

Staff has determined that the Phase II findings require limited comprehensive plan and zoning amendments in addition to those originally adopted for the Washington Square Regional Plan. However, in order to fully realize the goals and Task Force vision for the Washington Square Regional Center, both short-term and long-term implementation work programs will be needed to implement the Task Force's recommended strategies and plans for transportation, natural resources, stormwater and parks and open space. It is staff's intent to move forward with the necessary code changes and a resolution implementing the WSRC Plan for final adoption in November or December. Staff will, at that time, provide a draft work plan for Council's endorsement that incorporates the short-term and long-term implementation work programs identified.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management #1 – Accommodate growth while protecting the character and livability of new and established areas; Transportation and Traffic #1– Improve traffic safety, #2 – Improve traffic flow, #3 – Identify and develop funding resources.

ATTACHMENT LIST

Exhibit A:	Ordinance No. 00-18, adopting the Washington Square Regional Center Plan and Comprehensive Plan and Development Code changes with delayed implementation.
Exhibit B:	Tigard City Council Minutes February 8, 2000
Exhibit C:	Binder: The Washington Square Regional Center Phase II Implementation Task Force Final Work Products, July 2001
Exhibit D:	Summary Report: Task Force Recommendations
Exhibit E:	Resolution from the Washington Square Regional Center Phase II Implementation Task Force

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

ORDINANCE NO. 00-18_

AN ORDINANCE ADOPTING THE WASHINGTON SQUARE REGIONAL CENTER PLAN WITH DELAYED IMPLEMENTATION AND ADOPTING FINDINGS AND CONCLUSIONS

WHEREAS:

1. Applicant City of Tigard has requested approval of amendments to the Comprehensive Plan Map, Comprehensive Plan Transportation Map, Comprehensive Plan and Community Development Code applicable to the Washington Square Regional Center;
2. The Planning Commission has recommended endorsement of the amendments, with implementation delayed until further specific studies have been prepared;
3. The proposed amendments would incorporate a specific land use, urban design, and land use plan for the Washington Square Regional Center, amending the existing adopted twenty-year land use, transportation and urban design plan
4. Implementation of the text and map amendments should wait for:
 - a. Development of recommendations for storm water drainage;
 - b. Development of recommendations for open space, environmental and natural resource issues;
 - c. Preparation of strategies and a financial plan for transportation improvements;
5. The proposed text amendments are consistent with all relevant criteria as stated in the Findings and Conclusions in Support of Washington Square Regional Center Plan (Exhibit F); and
6. The City Council met on February 8, 2000 and voted to adopt the Washington Square Regional Plan, with implementation of the plan to take place when specific implementation measures as noted above (item #4) are met.

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Washington Square Regional Center Plan (Exhibit A) is hereby adopted.

SECTION 2: The Comprehensive Plan is hereby amended as shown in the attached Exhibit B with the amendment to take place at the time stated in Section 7 of this ordinance.

SECTION 3: The Comprehensive Plan zoning map is hereby amended, with the amended map to be in the form of Exhibit C. This amendment shall take place at the time stated in Section 7 of this ordinance.

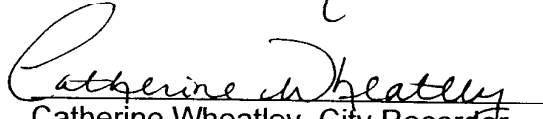
SECTION 4: The Comprehensive Plan transportation map is hereby amended, with the amended map to be in the form of Exhibit D. This amendment shall take place at the time stated in Section 7 of this ordinance.

SECTION 5: The Community Development Code is hereby amended to add a new chapter, "Washington Square Regional Center," in the form of Exhibit E, with the amendment to take place at the time stated in Section 7 of this ordinance.


SECTION 6: The Findings and Conclusions in Support of Washington Square Regional Center Plan (Exhibit F) are hereby adopted.

SECTION 7: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder. The amendments provided for in Sections 2, 3, 4 and 5 shall be made when the City Council by resolution finds that recommendations for storm water drainage, recommendations for open space and strategies and a financial plan for transportation improvements for the Washington Square Regional Center have been prepared and adopted by the City Council.

PASSED: By majority votes of all Council members present after being read by number and title only, this 14th day of March, 2000.

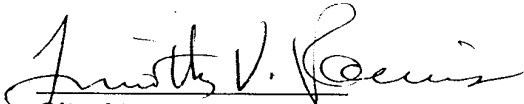

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 14th day of March, 2000.


~~James Nicoli, Mayor~~

Approved as to form:

Brian J. Moore, Council President


City Attorney

3/14/00
Date

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ORD. 00-18

Page 2

- Council President Moore reconvened the meeting at 9:25 p.m.
- 5. **CONTINUATION OF PUBLIC HEARING FROM JANUARY 25, 2000 -- WASHINGTON SQUARE REGIONAL CENTER – CPA 1999-00002/ZON 1999-00001/ZOA 1999-00004 WASHINGTON SQUARE REGIONAL CENTER**

REQUEST: A request for approval of a legislative Comprehensive Plan map and development code language, rezone, and text amendments to the Tigard Development Code within the area designated as the Washington Square regional Center. Specifically, the request includes re-designation from Low Density Residential, Medium-Density Residential, Medium-High Density Residential, Neighborhood Commercial, General Commercial, Commercial Professional, and Industrial Professional to the new designation of Mixed Use Commercial, Mixed Use Employment-1, Mixed Use Employment-2, Mixed Use Residential-1, Mixed Use Residential-2, and to the existing R-12 zone. The findings of this plan will be forwarded to Beaverton City Council, Washington County Commissioners, and Portland City Council for their approval.

LOCATION: Generally, south and west of Hall Boulevard; north of Highway 217; the Nimbus Business Park area between Schools Ferry Road and SW North Dakota; Cascade retail center south of Scholls Ferry Road and north of Greenburg Road.

ZONE: CG (General Commercial), CP (Commercial Professional), CN (Neighborhood Commercial), IP (Industrial Professional), R-4.5 (Low-Density Residential), R-12 (Medium-Density Residential), R-25 (Medium High-Density Residential), R-40 (Medium High Density Residential).

APPLICABLE REVIEW CRITERIA: Statewide Goals 1, 2, 9, 10, 12, and 13; Oregon Administrative Rule 660-12; Comprehensive Plan Policies 1.1.1, 2.1.1, 6.1.1, 6.6.6, 8.1.1, 8.2.2, 9.1.1, 9.1.3, 12.1.1, and 12.2.2, and Community Development Code Chapter 18.22 and 18.32, Metro Functional Plan.

- a. **Council President Moore reconvened the public hearing.**
- b. **Public Testimony Portion was closed on January 25, 2000; written testimony closed February 1, 2000**

Council President Moore noted that the Council did received additional written testimony in its packet.

Mr. Ramis reviewed the hearing procedures for the evening. He informed the Council that he cautioned staff to stick to the evidence in the record when responding to Council questions. He asked the Council to do the same in framing its questions. He listed the options available to Council during its deliberations: adoption as proposed, denial, modification of the proposal or tabling the proposal indefinitely or for a specific time. He suggested, if the Council chose to modify the proposal, that the Councilors state what their modifications were and allow staff to return with a draft of those modifications.

Mr. Ramis mentioned the opportunity to adopt the proposal and to delay the implementation to a specified date or until certain tasks were accomplished. He said that this option was similar to the Planning Commission's recommendation of "endorsement followed by implementation steps." He pointed out that the City did not have a legal tool called "endorsement" but the Council could delay the implementation of an adopted plan to a date certain or indefinitely.

c. Staff Recommendation

Mr. Hendryx recalled that staff made its overall presentation on December 15 followed by a public hearing on January 25 to hear public testimony and receive written comments. He noted that the Council closed the oral testimony on January 25 but held the record open until February 1 to receive written testimony. He stated that the public testimony comments that staff intended to rebut tonight fell into three areas: the public involvement process, environmental issues, and implementation and infrastructure issues.

• Elaine Cogan, Cogan Owens and Cogan, addressing the public involvement process

Ms. Cogan mentioned her 25 years of experience in a consulting firm that specialized in designing and facilitating processes. She stated that she has rarely seen a public involvement process so inclusive. She discussed the 25-member Citizen Task Force appointed by Council at the beginning of the process, noting the careful selection of representative interests and the allocation of three representatives to the Metzger area. She indicated that all Task Force members (except one Metzger representative) recommended adoption of the report.

Ms. Cogan discussed the public involvement at the 18 Task Force meetings (from June 1998 to August 1999), the four public events, and the questionnaires. She emphasized that the Washington Square event allowed them to reach people who would not attend a meeting or fill out a questionnaire. She stated that the Task Force listened carefully to all citizen input, weighing that input along with the information provided by the consultants.

Ms. Cogan described the Task Force process of developing a plan based upon the guiding principles that the members agreed upon at the start of the process. She emphasized that this was a citizen-driven and citizen-derived plan, thoroughly discussed and reviewed by the Citizen Task Force. She stated that the recommendation was a balance between the wishes and the wants of a responsible group of people who worked long and hard to deal with the issues of land use, aesthetics, transportation and environment.

Councilor Patton noted the comment heard several times by the Council that the public events were inadequate for the purpose of making this kind of recommendation. She asked for Ms. Cogan's opinion on whether a more formal process (as opposed to the informal process used) would have made a difference in the decision-making process. Ms. Cogan explained that the more formal events, such as a City Council meeting, provided those who were well-organized and good public speakers a better forum for stating their opinions than it did the average citizen. She said that the informal process they used provided the average citizens with many opportunities to present their viewpoint without the expectation of having to be a polished speaker.

Ms. Cogan said that, in her experience, the informal process garnered more breadth and depth of information than the formal process did because of the number of opportunities to present input and the lack of intimidation. She cited the Washington Square public event as an example of the informal process bringing in people who normally would have said nothing. She stated that, while she understood the criticism of the informal process, she thought that they needed to use the informal process when they really wanted to hear from the people.

- **Nadine Smith, Long Range Planning Manager, addressing the environmental issues**

Ms. Smith stated that the Task Force recommendation did not propose any development in any wetlands or required wetlands buffers. She said that staff did not count wetlands and undevelopable sensitive areas in its distribution of housing and jobs in the area, as required by Metro. She noted that any development proposed for the area would have to go through the same rigorous review process that any development in sensitive areas in the City of Tigard (or the region) would have to go through to meet the applicable federal, state and local regulations.

Ms. Smith said that staff would incorporate any changes made to federal and state regulations into Tigard's regulations. She noted the recent adoption of Title 3 by USA into their design and construction standards. She said that the City now had to apply those standards to development in the city.

Mr. Hendryx confirmed to Councilor Scheckla that those standards went into effect countywide on Friday, February 4, 2000.

Councilor Scheckla mentioned his concern with the requirement that Tigard use Metro's jobs and housing numbers. Mr. Ramis confirmed that Metro was powerful enough to require Tigard to use those numbers or face losing access to transportation dollars. Councilor Scheckla commented that he did not think that Tigard received much transportation funding from Metro.

Councilor Patton noted comments made that the Task Force ended up with more density than required by Metro. She asked for clarification from staff. Ms. Smith explained that Washington County had identified rezoning a portion of the Metzger neighborhood to high density residential as one way to meet the number of housing units Metro assigned to the County. She said that staff asked the Task Force to look at adding 200 plus units to the density of the Washington Square Regional Center area (given the vacant land and redevelopment ability available) so that the County would not have to rezone a portion of single-family residential Metzger to high density residential.

Laurie Nicholson, Associate Planner, clarified that the County's plan to accommodate the Metro numbers allocated 660 units as the Regional Center's share.

Councilor Patton mentioned the comments made with respect to development resulting from the upzoning of wetland and sensitive areas. She asked for staff clarification on the Plan recommendation to upzone those areas when staff said that those areas would not be developed. Ms. Smith explained that the upzoning was part of the mixed-use zoning concept intended to build up with a smaller footprint than out with a larger footprint over more land area.

Ms. Smith said that the mixed-use concept also looked at developing the area as a single development rather as a series of single-family lots. She indicated that one property owner could do more to restore the degraded wetlands in the area than having a series of single-family lots adjacent to a wetland.

Councilor Patton asked why the Plan slated those areas for upzoning when the concern was to preserve those sensitive areas from development. She commented that upzoning appeared to create an incentive for development.

John Spencer, Planner, explained that the City of Tigard zoned all land for residential, commercial or industrial uses. The City placed other layers of zoning (called overlay zones) on top of the base zone to create environmental and other protection zones. He confirmed that these sensitive areas would have a new base zone but he emphasized that the environmental protection overlay zones still prevailed with respect to development. He indicated that development would focus on the upzoned uplands property.

Mr. Spencer said that upzoning would stimulate new development activity. He said that staff saw that as a positive thing because a major redevelopment could bring more resources for environmental enhancement and wetland improvement than single-family lots with backyards abutting a wetland could. He pointed out that if growth did not go in the upzoned areas, then it would probably go somewhere else at lower densities than proposed by the Plan. Lower densities used more land, created impervious surface, and had more potential environmental impacts than concentrating density in a smaller area did..

Councilor Patton asked staff to address the issue of variances to the environmental rules allowing wetlands mitigation in other locations. Mr. Spencer conceded that wetlands mitigation in other locations was possible. He explained that the wetlands mitigation process was a function of how the City wanted to implement its own ordinances. He indicated that it was a federal process with environmental protection regulations imposed on all jurisdictions in the region. He commented that these regulations already closed some of the "loopholes" mentioned in the testimony tonight.

Mr. Ramis confirmed to Councilor Patton that the Council choosing to adopt but not to implement the plan immediately afforded the Council the opportunity to study the implications of the new regulations and how to implement them with respect to the City's regulations. He said that adopting but not implementing left the current regulations in place.

Councilor Hunt asked if Council could set a final implementation date, given that the environmental regulations changed continually. Mr. Ramis agreed that the regulations were a moving target. He said that Council could set an outside date for implementation or for staff to return with a completed proposal for Council consideration.

Councilor Scheckla asked why Tigard did not ask for more time to fine-tune its plan before adoption, as other Washington County jurisdictions did. Ms. Smith indicated that she did not think that they needed more time to deal with Metro, as they were ready to explain how they could accommodate the numbers. Councilor Scheckla stated that he thought that they did need more time.

Ms. Smith confirmed to Councilor Scheckla that staff recommended taking out Policy 11.8.3.

Councilor Scheckla questioned the Plan's recommendation to upzone wetlands areas in residential areas, given that the 2040 Plan no longer required that. Mr. Hendryx explained that when Metro looked at the capacity within the Urban Growth Boundary, it deducted out the areas with wetlands and resources areas from their inventory of vacant land. Councilor Scheckla mentioned his concern that people in the upzoned residential area would sell out and move.

Council President Moore explained that staff's recommendation was to adopt but not implement the plan in order to gain sufficient time to answer the types of questions raised by Councilor Scheckla and to deal with issues on an individual basis. He emphasized that adoption without implementation changed nothing in the City's development regulations and process.

Councilor Scheckla asked if the process would continue to allow public input. Mr. Ramis assured the Councilor that staff could craft the ordinance to state clearly that the existing regulations remained in effect, not the new ones, and to itemize which specific issues Council wanted addressed. He confirmed that staff would continue to receive public input.

Mr. Hendryx stated that he took exception to the statement that the City's Safe Harbor regulations contained loopholes. He referenced the extensive process staff went through to develop the City's environmental protection regulations, acknowledged by the State and other agencies as meeting the standard. He argued that staff built flexibility, not loopholes, into the Safe Harbor regulations at the Council's request as recognition of the unique circumstances in Tigard.

Mr. Hendryx addressed the issue of implementation. He mentioned the staff recommendations to develop a storm water drainage plan, to refine the open space opportunities, and to develop strategies and a financial plan for public improvements. He commented that staff needed an adopted plan in order to develop the strategies or they were shooting at a moving target.

Mr. Hendryx discussed his regret that the issue of the \$80,000 grant came up because it put the Council in an awkward position. He said that the Council should not consider the grant in making its decision with respect to the Plan, as it was a separate issue that staff would deal with at the appropriate time.

Mr. Hendryx discussed the staff solution outlined in the February 4, 2000, memo. He recommended adoption of the Plan and amendments with implementation delayed until staff presented a strategy addressing four components: developing a recommendation for storm water drainage, refining recommendations for open space development, preparing a strategy on a financial plan for public improvements, and leaving the interim existing land use regulations in effect.

Mr. Ramis reiterated that staff could craft the ordinance to require the public involvement wanted by Council, to clarify that the existing regulations remained in effect, and to clarify that staff would not implement the adopted plan until the Council satisfied itself with respect to the implementation process.

Councilor Patton observed that many adopted plans were never implemented. She asked what the term "public improvements" encompassed. Mr. Hendryx explained that staff intended "public improvements" to include all the public facility and infrastructure needs in the area, including transportation.

Councilor Patton noted that the Plan recommended parks but did not identify any particular parks. Mr. Hendryx pointed out that the plan could not designate properties as parks without raising legal issues. He said that staff needed to identify the acreage and type of lands needed, and then to develop a financial plan to acquire the land. He mentioned dedication of land from developers as a possible tool.

Mr. Hendryx spoke to the issue of public process. He emphasized that staff would continue to converse with the public throughout this process. He indicated that staff could revisit the public involvement process or consider a different type of process at Council's direction.

Councilor Hunt asked for a comparison of this process with the Tigard Triangle process. Mr. Hendryx indicated that the Triangle process was more of a focus public involvement process as opposed to the broadscale nature and issues of the Washington Square Regional Center Plan. Ms. Nicholson cited the difficulties that staff ran into during the implementation of the Triangle Plan (as developments came through the process) as a reason why staff wanted to iron out the issues in the Washington Square Plan before implementing it.

Councilor Scheckla observed that a plan without maintenance would eventually fall apart.

d. Council Deliberation

Motion by Councilor Hunt, seconded by Councilor Patton, to adopt the Washington Square Regional Center Plan, including the Zoning and Comprehensive Plan amendments.

Councilor Patton thanked the Task Force for their excellent work in tackling a difficult issue. She characterized the Plan as providing the City with a foundation to start from in addressing the issues raised by the citizens this evening. She commented that she would not have supported adoption with immediate implementation but she could support the staff recommendation to adopt the Plan as the first step and to develop more detailed and focused implementation strategies as the second step.

Council President Moore pointed out that this area would develop with or without a plan. He spoke to the importance of having a plan that protected the area from poor development, as has occurred in other areas of the city developed without a plan. He supported the Plan and the amendments with adoption without immediate implementation as a solution to their dilemma.

Motion was approved by majority voice vote of the Council present. (Council President Moore, Councilors Hunt and Patton voted "yes." Councilor Scheckla voted "no.") [3-1]

6. COUNCIL LIAISON REPORTS

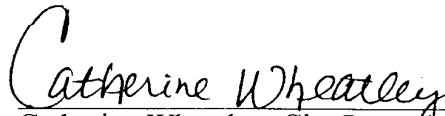
Council President Moore mentioned the Transportation Bond Measure Open House tomorrow night at Fowler Middle School at 7:30 p.m.

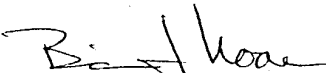
7. NON AGENDA ITEMS: None.

8. EXECUTIVE SESSION: None.

9. ADJOURNMENT: 10:22 p.m.

Attest:


Catherine Wheatley, City Recorder


Mayor, City of Tigard

Brian J. Moore, Council President

Date:

3/14/00

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Exhibit C is not available electronically

EXHIBIT C

A reference copy is available in the
Tigard Public Library or
contact City Recorder Cathy Wheatley
at 503-639-4171

THE WASHINGTON SQUARE
REGIONAL CENTER PLAN
PHASE II: IMPLEMENTATION



REGIONAL CENTER STUDY



CITY OF TIGARD

TASK FORCE
FINAL WORK PRODUCTS
JULY 2001

EXHIBIT D

WASHINGTON SQUARE REGIONAL CENTER PHASE II IMPLEMENTATION PLAN



SUMMARY REPORT TASK FORCE RECOMMENDATIONS

**CITY OF TIGARD, OREGON
JUNE 29, 2001**

WASHINGTON SQUARE REGIONAL CENTER PHASE II IMPLEMENTATION PROGRAM SUMMARY REPORT

TASK FORCE MEMBERS

Tom Archer, Spieker Properties (Equity Office)
Dr. Gene Davis, Property Owner
David Drescher, Fans of Fanno Creek
Kimberly Fuller, Spieker Properties (Equity Office)
Nic Herriges, Nimbus Business Commuters
Carl Hosticka, Metro Council (District #3)
Ron Hudson, Tigard-Tualatin School District
Leo Huff, Oregon Dept. of Transportation
Kathy Lehtola, Washington County
Dan McFarling, Association of Oregon Rail and Transit Advocates
Robert Mixon, Bicycle Transportation Alliance
Lyndon Musolf, Lyn Musolf & Associates
Michael Neunzert, Metzger Resident
Adele Newton, Washington County League of Women Voters
Nawzad Othman, OTAK
Steve Perry, Metzger Resident
Lynn Peterson, Tri-Met
Jack Reardon, Washington Square Mall
Rick Saito, Group Mackenzie
Ken Scheckla, Tigard City Council
Forrest Soth, Beaverton City Council
Ted Spence, Tigard Resident
Dave Stewart, Citizens for Sensible Transportation
Pat Whiting, Citizen Participation Organization (CPO) 4-M
Nick Wilson, Tigard Planning Commission

WASHINGTON SQUARE REGIONAL CENTER PHASE II IMPLEMENTATION PROGRAM SUMMARY REPORT

June 29, 2001

CITY OF TIGARD

Jim Hendryx, Community Development Director

Nadine Smith, Project Manager

Julia Hajduk, Associate Planner

Beth St. Amand, Assistant

PREPARED BY:

Spencer & Kupper, Project Management

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Cogan Owens Cogan, LLC

Kittelson & Associates, Inc.

Lloyd D. Lindley, ASLA

Mason, Bruce & Girard, Inc.

URS/BRW, Inc.

Deirdre Steinberg Communications

This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation (ODOT) and the Oregon Department of Land Conservation and Development (DLCD). This TGM grant is financed, in part, by federal Transportation Equity Act for the 21st Century (TEA-21), local government, and State of Oregon funds. Additional funding was provided by the City of Tigard and a Technical Assistance Grant from DLCD. The contents of this document do not necessarily reflect views or policies of the State of Oregon.

Cover Design by Christine Rains Graphic Design

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1. INTRODUCTION AND SUMMARY OF RECOMMENDATIONS

In February 2000, the Tigard City Council approved the Washington Square Regional Center Plan, September 1999 (*WSRC Plan*) and related Comprehensive Plan and Zoning Code amendments, withholding enactment of these policies and standards until a number of transportation, natural resource, stormwater, and parks and open space issues were addressed. The City provided resources and secured grants from the Transportation and Growth Management (TGM) Program and the State Department of Land Conservation and Development (DLCD), of the State of Oregon, to undertake additional technical studies to address these issues. This became the Phase II Implementation process.

This report summarizes the conclusions and recommendations from the Washington Square Regional Center Task Force charged with overseeing the Phase II work, and four Technical Advisory Subcommittees (TASes) that reported to the Task Force and worked closely with City staff and a consultant team led by Spencer & Kupper. Figure 1 shows the Washington Square Regional Center Boundary.

CHARGES FROM THE TIGARD CITY COUNCIL

The Phase II Implementation work effort focused on a number of issues first articulated by the Tigard City Council, and then defined as the work program of the Task Force, TASes and the consultant team. They are:

Transportation

- Advise whether the major transportation improvements identified in the Regional Center Plan are physically feasible, and whether environmental or other permitting issues represent a “fatal flaw” for project implementation.
- Determine whether the proposed Regional Center Plan zoning creates the need for significant additional transportation improvements compared with existing zoning.
- Prepare a transportation demand management strategy for the Regional Center.
- Develop a long-range transportation implementation program that addresses public policy, financial resources and responsibilities, and short-term priorities.

Natural Resources

- Map and confirm the hydrological characteristics (wetlands and fish habitat) of the Fanno and Ash Creek Watersheds within the Regional Center.

Compile policies and standards for these watersheds related to development impacts, including the extent that parks and open spaces activities can exist within the 100-year floodplain area.

- Recommend modifications (as necessary) to the City's natural resource regulations.

Stormwater Management

- Assess the stormwater management needs for the Regional Center Plan and a recommended approach for storm water management.
- Develop a long-term funding strategy for storm water management.

Greenbelt, Parks & Open Space

- Confirm the parks and open space needs for the Regional Center Plan and a recommended approach for identifying, acquiring, improving and maintaining parks and open space in the area.
- Develop a long-term funding strategy for parks/open space.

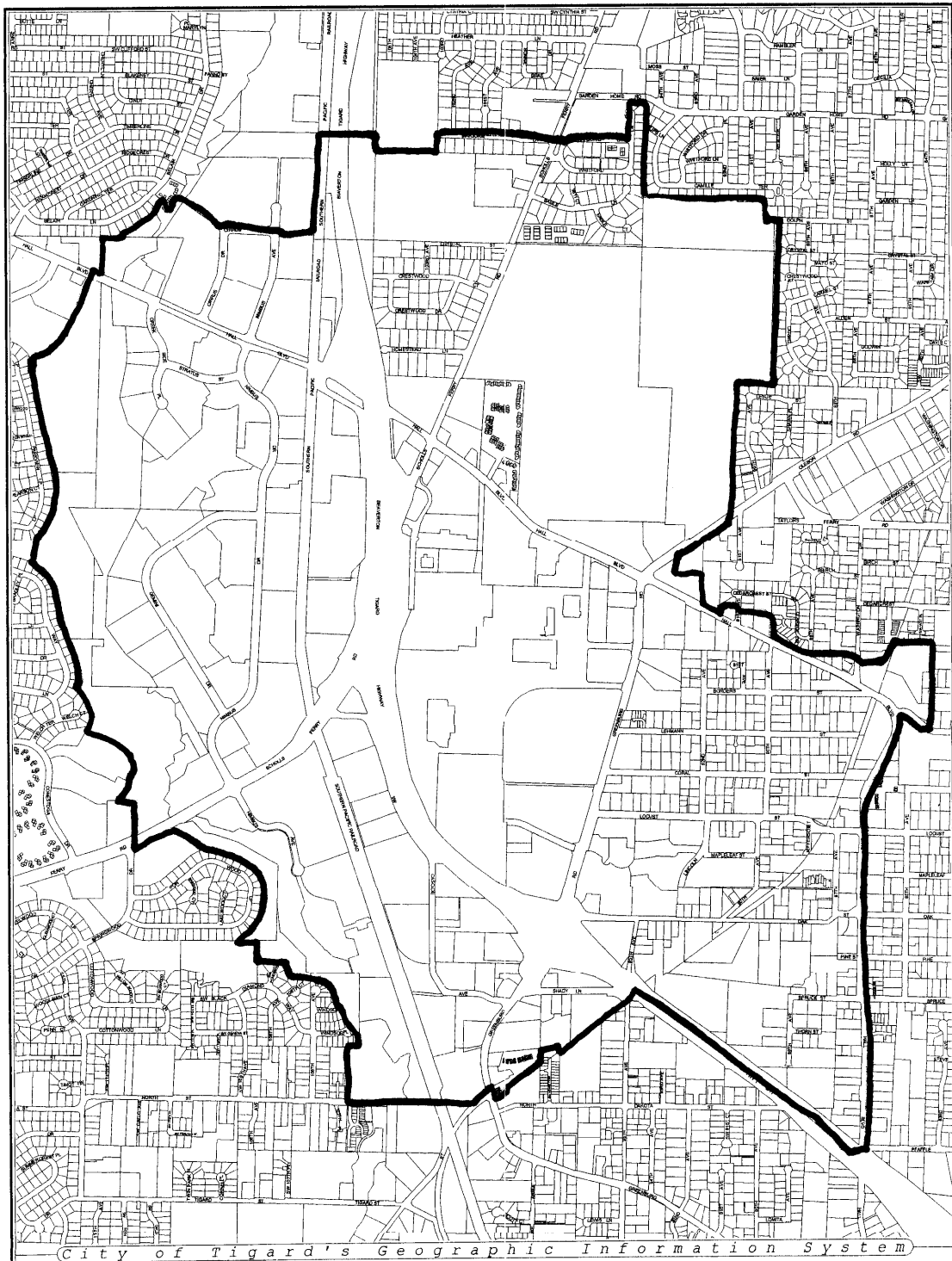
This report is organized to address each of these charges. Sections on transportation, natural resources, stormwater management and parks and open spaces summarize the technical and policy analysis undertaken, identify the major conclusions resulting from this work, and include recommendations for further action. A separate section is devoted to an overall financial strategy that identifies transportation and infrastructure improvements needed to achieve the *WSRC Plan*, and short and long-term recommendations to fund these improvements.

The primary technical reports and memoranda prepared during this Phase II work effort are appropriately referenced in each section and published in a separate document.

FINDINGS, CONCLUSIONS AND OVERALL RECOMMENDATIONS

The findings and conclusions are based on the work of the Task Force, Technical Subcommittees, staff and consulting team, and consultation with the public.

- The results of the engineering and environmental analysis show that all of the transportation recommendations from the *WSRC Plan* can be implemented; no project is fatally flawed.
- A comparison of the traffic trip generation potential of current zoning within the Regional Center to that proposed in the *WSRC Plan* shows very similar future peak hour trips. The transportation system required to serve the *WSRC Plan* is the same as that required to serve the area under current zoning.
- A long-term transportation implementation program is described later in this report, including a transportation demand management strategy. The recommended financing strategy produces sufficient revenues over a 20-year period to implement the improvement program.



City of Tigard's Geographic Information System

FIGURE 1

**Washington Square Regional Center
Study Area Boundary**



City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223
(503) 639-4171
Community Development

0 400 800 1200 Feet
1" = 800 feet



Study Area Boundary

This map was derived from several data sources.
The City can not be held responsible for any errors.
Therefore, there are no warranties for this product.
Print date: Nov. 6, 2005

- Detailed field reconnaissance was undertaken and existing vegetative communities and wetlands within the Regional Center were mapped. It is recommended that the Tigard Wetlands and Stream Corridors Map be amended to reflect this work.
- Current federal, state and local regulations and impact review procedures applicable to public and private developments within the Regional Center protect the identified natural resource areas. Existing regulations and any new regulations protecting natural resources take precedence over any local zoning designations, existing or proposed.
- Proposed zoning designations that apply to resource areas do not in and of themselves threaten natural resource values or potentially cause environmental impacts any more or less significantly, compared to existing or less intensive zoning.
- Modifications to the City of Tigard's development standards that apply to sites that include natural resource areas along Ash and Fanno Creeks to minimize environmental impacts are recommended. Applicable development standards include waiving minimum FAR and residential density standards, adjusting building setbacks, and others.
- The results of an assessment of existing and future flooding and water quality needs within the Regional Center show that existing stormwater facilities are inadequate and that identified regional stormwater improvements are unfunded.
- A long-term stormwater management program is described later in this report. A financing strategy that produces sufficient revenues over a 20-year period to implement the improvement program is recommended.
- A greenbelt, parks and open spaces concept plan that refines the proposals made in the *WSRC Plan* is recommended.
- A long-term greenbelt, parks and open spaces implementation program is described later in this report. A financing strategy that produces sufficient revenues over a 20-year period to implement the improvement program is recommended.
- All elements of the greenbelt, parks and open spaces concept plan are feasible.

FINANCIAL STRATEGY SUMMARY AND IMPLEMENTATION RECOMMENDATIONS

The Washington Square Regional Center is second only to the Portland Central City in terms of improvement needs and concentration of jobs and private investment. Due to years of neglect, many of the recommended transportation and other infrastructure improvements described in the *WSRC Plan* and summarized in this report are necessary to address existing needs and deficiencies, not just the impacts caused by growth.

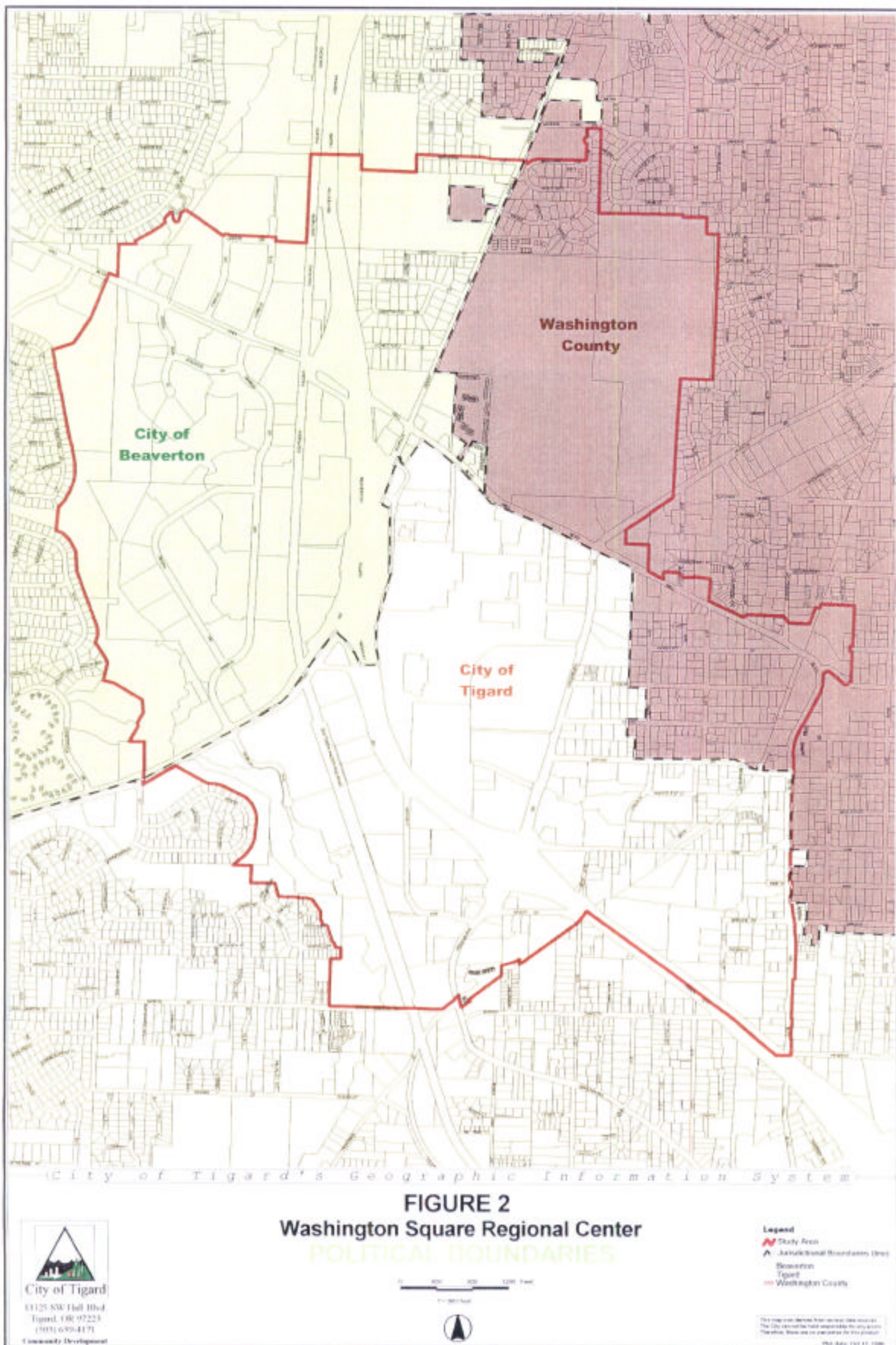
The financing strategy approved by the Task Force identifies more than \$160 million in transportation, stormwater, parks and open space improvements needed over the next 20 years to support existing and anticipated businesses and residences in the area and to preserve its livability. A summary of the improvements and costs are:

Unfunded Transportation	\$115.7-121.7 million
Stormwater/Natural Resource	\$15.2-18.0 million
Greenway, Parks and Open Space	<u>\$13.1-20.9 million</u>
Total Needed Improvements (Over 20 years)	\$144.0- 160.6 million

The financing strategy is described in detail for each of these major improvements. Based on the analysis of revenue from the variety of sources that can be expected, adequate resources will be available during the next 20 years to fund the public improvements necessary to implement the *WSRC Plan*. The primary elements of the financing strategy are:

- Aggressively pursue transportation funding, including the Highway Trust Fund, state and local sources, and Metro's Metropolitan Transportation Improvement Program (MTIP).
- Establish priorities for disbursement so that locally generated fees from existing businesses and residents and new development activity within the Regional Center are allocated to the transportation and infrastructure needs within the Regional Center.
- Pursue the formation of local improvement district(s) (LIDs) where existing businesses and residents benefit directly from improvements to existing transportation and stormwater facilities, or relatively modest new improvements that benefit multiple property owners are needed.
- For specific improvements, aggressively pursue regional, state, and national grants and funding programs and dedications, donations and contributions from the private sector.
- Seriously consider the formation of an urban renewal district for the Regional Center as a local funding source for major transportation, stormwater, resource enhancement and parks and open space improvements that benefit the entire area. Based on the growth projections utilized for the *Washington Square Regional Center Plan*, approximately \$92-162 million in accumulated urban renewal revenues can be available for activities within the Regional Center over a 20-year period.

An important recommendation of the financial strategy is the creation of this new urban renewal district to include areas within the City of Tigard, City of Beaverton, and unincorporated Washington County. This will assure that the entire Regional Center is eligible for urban renewal investments and provide an economic development focus for the Regional Center itself. Figure 2 shows the political boundaries within the Washington Square Regional Center.



It also is recommended that an Economic Improvement District (EID) be formed for the entire Regional Center. An EID will involve participation and contributions from businesses throughout the area and will provide funding for overall management, coordination and advocacy for businesses and residents within the Regional Center.

2. PUBLIC AND AGENCY INVOLVEMENT PROCESS

The purpose of this Public and Agency Involvement Process was to insure that all stakeholders were involved early and throughout this project and that relevant issues were discussed and resolved to the extent possible. Interested individuals and groups were included on the project's mailing list and notified of meetings, events and updates on work progress. A summary of specific elements follows.

TECHNICAL ADVISORY SUBCOMMITTEES (TASes)

A creative addition to this project not present in Phase I consisted of four Technical Advisory Subcommittees (TASes), covering the subjects of natural resources; parks and open spaces; stormwater; and transportation. At the Tigard City Council meeting in January 2000 the Regional Plan was approved; these issues were noted as expressly in need of additional study. TASes were comprised of about 12-15 members: those from the Task Force and the public who indicated an interest in the subject and representatives from appropriate jurisdictions and agencies. The City invited community members to participate through its citizen involvement and outreach channels. Each TAS met at least four times between March and June with a consultant team member and staff to provide input on work program elements. The meetings were facilitated by trained volunteers. TAS findings were presented to the Task Force at strategic points in the study, with the understanding that the Task Force would make the final recommendations.

WASHINGTON SQUARE REGIONAL CENTER PLAN TASK FORCE

All members of the original Washington Square Regional Center Plan Task Force were invited to participate once more in this project. Additional representatives for individual interests who were not able to continue were recruited. The Task Force for this project consisted of 25 members representing neighborhoods, schools, business and property owners, state and local governments, and interest groups. (Please refer to the title page of this document for a complete list of Task Force members.)

The charge of the Task Force was to review the work of the Technical Advisory Subcommittees (TASes) and participate if they chose; provide guidance to staff, consultants and the TASes on major policy issues; give input into public events and other outreach activities; and agree upon and make final recommendations on implementation actions to the Tigard City Council.

The Task Force held six open meetings between December 14, 2000, and July 25, 2001. The agenda for each meeting related to the technical and TAS timetable. Members received information generated by the TASes and provided comments and insight that were taken into account as the project proceeded. Every effort was made to reach consensus on issues of concern.

PUBLIC EVENTS

Two public events were held during the process to provide an opportunity for the general public to gain information about the project and provide input at key steps in the planning process. The first was held on April 4, 2001, midway through the project. Attendees participated in an open house and work sessions with the consultants in which they discussed the four issues being discussed by the TASes: natural resources; parks and open spaces; stormwater; and transportation. Their verbal and written comments were considered as the project progressed.

The second event was on June 5, 2001, near the end of the project, to present components of the draft Plan. The four topic areas listed above were consolidated into three discussion groups (storm water/ development, transportation/ environment, and parks and open space). Consultants presented a more complete picture of the plan and its interrelated components to groups of attendees.

Both events were held at the Metzger Park Hall from 5 to 8 p.m., and were attended by approximately 40 people each time.

Both events were advertised through flyers in neighborhood gathering places; the City newsletter, *Cityscape*; and local newspapers. The TASes and the Task Force carefully considered the public input from these events when making their recommendations.

Written summaries of all Task Force and TAS meetings, as well as the two public events are included in the appendix to this report.

3. TRANSPORTATION

ENGINEERING AND ENVIRONMENTAL “FATAL FLAW” ANALYSIS

The charge to “advise whether the major transportation improvements identified in the Regional Center Plan are physically feasible and whether environmental or other permitting issues represent a ‘fatal flaw’ for project implementation” is addressed specifically in two reports: *Project Recommendations, Evaluation and Implementation*, Memorandum, Kittelson & Associates, May 23, 2001, and *Impact and Feasibility Analysis Technical Report for Natural Resources*, Mason Bruce & Girard, Inc. May 16, 2001.

The results of the feasibility analysis show that from a transportation perspective all of the recommendations from the *WSRC Plan* can be implemented; no project is fatally flawed.

The recommended *WSRC Plan* calls for a comprehensive multi-modal transportation system for the Washington Square Regional Center. With full implementation, there would be improvements in regional connections to and from the area (i.e., commuter rail, transit center improvements, Highway 217) and within the area (i.e., Nimbus overcrossing connecting the Mall and the Nimbus Business Park, pedestrian facilities along and across major roadways, and recreational pedestrian and bicycle facilities surrounding the area). The transportation plan has a holistic perspective, providing regional connections for regional travelers, local connections for local travelers, and collector level connections to provide access for people traveling between the regional and local transportation system (e.g., people mover, Locust Street Improvements, Oak Street improvements).

Work conducted by the consultant and the Transportation TAS and verified by the Task Force and the public shows that there is substantial support for many of the projects recommended in the *WSRC Plan*:

- Members of the TAS and Task Force strongly recommend planning for and implementing transportation improvements on the Highway 217 corridor. Regional connectivity to and from the area is and will continue to be integral to the economic success of the Regional Center.
- Members of the TAS, the Task Force, City of Beaverton, Tigard and Washington County Staff and Staff at Tri-Met and Metro recognize the opportunity to link the Nimbus Business Park, Commuter Rail, and the Washington Square Mall physically with a structure and subsequently, with a shuttle or People Mover connection.
- Members of the TAS and Task Force strongly recommend planning for and implementing transportation improvements on the Highway 217 corridor. These Committees believe that regional connectivity to and from the area is and will continue to be integral to the economic success of the Regional Center.
- City staff, the TAS and the Task Force view the implementation of the Regional Center plan as an opportunity to improve pedestrian, bicycle and transit connectivity and circulation within the Regional Center Area.

Additional projects in the *WSRC Plan* are not as unanimously accepted:

- The TAS and Task Force agree that widening Hall Boulevard to five lanes from Oleson Road south to Highway 217 is possible. The Task Force endorses an expansion to three lanes while acquiring right of way for a five-lane roadway.
- The TAS and Task Force support the Nimbus-Greenburg connection, but also express concern about the potential environmental impacts associated with this facility. This roadway can be constructed to minimize environmental impacts; depending on its final alignment, it could provide an opportunity for large wetlands mitigation. However, wetland and open space advocates and surrounding neighbors remain concerned.

- The TAS and Task Force support the concept of improving connectivity and circulation opportunities within the Regional Center; however, they are also want to be sure that the improvements do not cause negative traffic impacts to surrounding neighborhoods and businesses. For example, there is concern that improvements on Locust between Hall Boulevard and Greenburg Road and the Locust Overcrossing of Highway 217 could create a neighborhood “cut-through” route. As these facilities are designed, special attention should be given to the potential neighborhood impacts.

Regardless of the project under consideration, the partnerships and working relationships that have developed over the course of this project and the previous *WSRC Plan* should continue. The TAS and Task Force were composed of a diverse membership that worked together for three years to forge consensus on transportation issues in the Regional Center. The City of Tigard should strive to build on this momentum as it continues the implementation of the Regional Center Plan.

The following summarizes the evaluation and results of the feasibility analysis for each of the recommendations. The recommended projects are in two categories: non-auto modes and auto modes and are not in priority order. Figure 3 shows the general location of the major transportation improvements.

Pedestrian, Bicycle and Public Transit Recommendations

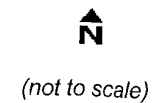
The following is a list of the non-auto related (transit, pedestrian, bicycle, commuter rail, etc) transportation recommendations from the *WSRC Plan*. These are listed in alphabetical, not priority order.

Commuter Rail Service and Station

Washington County is considering the feasibility of commuter rail services from Wilsonville to Beaverton on the existing freight line to the west of Highway 217. The WSRC Task Force supports a commuter rail station in the vicinity of the North: Mall to Nimbus Overcrossing.

Conclusions and Recommendations

- The proposed commuter rail station be permanently located between Scholls Ferry Road and Hall Boulevard in the vicinity of the proposed overcrossing between Nimbus Business Park and the Washington Square Mall.
- A park and ride facility not be constructed in conjunction within the Regional Center or the future commuter rail station.
- Local transit service connecting the commuter rail, Nimbus Business Park, Washington Square Mall and Lincoln Center be developed.



Information on this map is for general location only and
should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>

Pedestrian Improvements – SW Greenburg Road

Build pedestrian improvements on SW Greenburg Road between SW Hall Boulevard and Highway 217 to improve pedestrian crossing opportunities and safety.

Conclusions and Recommendations

- As SW Greenburg Road is a Washington County facility, Tigard should coordinate with Washington County to include these projects in the ongoing Washington County Transportation System Plan.
- Pedestrian refuges at non-signalized intersections minimize crossing distances and provide a safe stopping location for pedestrians as they cross Greenburg Road. These improvements have minimal impacts on traffic operations.

Pedestrian Improvements – SW Hall Boulevard

Construct pedestrian crossing refuge (median) on SW Hall Boulevard between SW Pfaffle Street and SW Locust Street to improve safety and pedestrian crossing opportunities.

Conclusions and Recommendations

- As Hall Boulevard is a state facility, Tigard should coordinate with ODOT for early implementation or as part of any future roadway plans.
- Pedestrian refuges at non-signalized intersections minimize crossing distances and provide a safe stopping location for pedestrians. These improvements have minimal impacts on traffic operations.

Pedestrian And Bicycle Improvements - SW Locust Street

Realign SW 90th Avenue across SW Locust Street to provide a four-legged intersection at Locust Street. Construct curb extensions, sidewalks and bicycle lanes to provide improved non-auto accessibility across and along the street.

Conclusions and Recommendations

- Build a four-legged intersection at 90th Avenue/SW Locust Street to provide a focal point for streetscape design; provide an accessible crossing to and from Metzger School.

Pedestrian Access Improvements – Washington Square Mall

Build pedestrian improvements (e.g. sidewalks, landscaping, and connections from parking to the mall and surrounding arterials) in the Washington Square Mall area.

Conclusions and Recommendations

- The TAS and Task Force recommend that roadways within the Mall ultimately should be designed to include sidewalks that connect to the surrounding street system.

Shuttle/People Mover

Develop local area transit service between the Washington Square Mall area, the Nimbus/Cascade districts and Lincoln Center. The service could use the proposed connections across Highway 217. Initially a shuttle bus, in the future this service could be converted to some type of fixed route system.

Conclusions and Recommendations

- Beaverton, Tigard, Tri-Met, Metro, Washington County, the Transportation TAS and the WSRC Task Force agree that significant benefits are associated with connecting the proposed Commuter Rail to the many activity centers in the WSRC.
- There appear to be limited benefits to the Regional Center if the commuter rail is not connected to the Mall and Lincoln Center by some type of people mover system.
- The people mover could initially be shuttle buses (electric or hybrid powered). In the future, the system could be upgraded to a more capital-intensive facility.

Transit Center Improvements

Build capacity and facility improvements (e.g. real time transfer information, lighting, covered connections to the Mall, and additional bus bays) to the existing transit center at the Washington Square Mall.

Conclusions and Recommendations

- As improvements are considered to the Transit Center, Tri-Met, Tigard, Washington County, Beaverton, and the Washington Square Mall should choose the most appropriate future location, capacity and transit center facilities.

Transit System Improvements

The TAS and Task Force support transit routing and frequency improvements in the Regional Center. Tri-Met has provided an outline of potential service improvements and planning needed to implement these improvements, including relocating the Transit Center to provide better connections into the Mall; coordinating park and ride facilities with the future commuter rail service; improving bus stops; and decreasing transit service headways. Tigard, Tri-Met and employers or developers in the district should begin to develop a transit improvement plan.

Travel Demand Management Program

The TAS and Task Force recognize the importance of developing a travel demand management program for the Regional Center area. A key feature of this program is a Transportation Management Association (TMA) that coordinates demand for single occupant vehicles within the Regional Center area; parking management strategies; transit system improvements; and travel demand management programs. The City of Tigard, Beaverton, Washington County, Tri-Met, Metro, ODOT and employers in the area should begin to work together on a detailed plan for the area.

Auto and Roadway Recommendations

The following is a list of the auto and roadway related projects recommendations from *Washington Square Regional Center Plan*. The first seven projects are listed in the priority established by the Transportation TAS and Task Force. The remaining projects are listed in alphabetical order.

Near Term Traffic Operations Improvements

In addition to the long-term projects in the Washington Square Regional Center Framework Plan, the Task Force recommends that small-scale roadway operations improvement projects be implemented in the near future. These improvements can correct existing system deficiencies or provide needed pedestrian, bicycle or transit facilities.

Conclusions and Recommendations

- The following near term improvements that should be considered for implementation as soon as possible:
 - Develop signal timing improvements on Greenburg Road between Highway 217 and the Washington Square Mall.
 - Build a separate eastbound right turn lane from Hall Boulevard to Scholls Ferry Road. This may require Hall Boulevard overcrossing improvements.
 - Construct pedestrian improvements throughout the district.
 - Develop a shuttle system connecting Lincoln Center, Washington Square Mall and Nimbus Business Park.
 - Evaluate and confirm that the southbound Hall Boulevard right turn only lane into the Washington Square Mall at Palmblad Lane should be eliminated. Re-stripe as appropriate.
 - Develop signal timing improvements on Hall Boulevard that allow buses behind schedule to move to the front of the queue and through the signal prior to other traffic (“queue jumping capabilities”).
 - Develop direct access from the Washington Square Mall to Target so that motorists do not have to travel on Hall Boulevard when traveling between the two facilities.

Highway 217

Identify and plan for the implementation of improvements to Highway 217 and its interchanges between Interstate 5 and Highway 26.

Conclusions and Recommendations

- The WSRC Task Force strongly recommends that Highway 217 be identified as a priority for engineering studies, regional funding, and ultimately improvements.
- The economic vitality of the Regional Center could be at risk without people moving capacity improvements to Highway 217 and its interchanges with the surrounding transportation system.
- Interchange improvements to improve pedestrian and bicycle access across Highway 217 also should be developed.

North: Mall to Nimbus Connection

The Washington Square Regional Center Task Force identified this project as the first priority for implementation in the Regional Center area:

- Build a bridge over Highway 217 connecting the Washington Square Mall with the Nimbus Business Center. The bridge is intended to be a facility for local travel within the Regional Center. It would include a two-lane roadway, bike lanes, sidewalks and facilities for transit.

There are two options for this connection:

- A bridge from the Washington Square Mall extending over Scholls Ferry Road, Highway 217, and the commuter rail tracks, connecting to Nimbus Avenue. As this project is developed, the actual alignment will be identified.
- A new intersection with Scholls Ferry Road, a bridge over Highway 217, the commuter rail tracks connecting to Nimbus Avenue. This option requires re-aligning the existing northbound Highway 217 to the Scholls Ferry Road off-ramp.

Conclusions and Recommendations

- This project because it extends the life of the Highway 217 interchanges by providing an alternative route for motorists traveling from the Nimbus Business Center to the Washington Square Mall.
- It does not preclude most future interchange configurations at Scholls Ferry Road/Highway 217 or Hall Boulevard/Highway 217.
- As this project is developed further, consideration should be given to the overcrossing as a pedestrian/bicycle/transit bridge.
- Right of way is required on the east and west side of Highway 217. On the east side of Highway 217, the structure would provide an opportunity for new land use development at the north side of the Mall.
- The project would be built in one phase. It could be designed to be widened in the future.
- Implementation would result in the loss of a relatively small amount of wetlands (approximately 0.004 ha [0.01 ac]). This filling or alteration of the wetland ditch/swale is considered minimal and would be authorized under the existing Nationwide Permit (NWP) Program administered by the Corps of Engineers (COE), in accordance with Section 404 of the Clean Water Act. The NWP No. 14 (Linear Transportation Crossings) would be applicable to this alternative. The wetland fill also would qualify for a General Authorization for Road Construction by the Oregon Division of State Lands (DSL) under the Oregon Removal/Fill Law.
- Given the existing characteristics of this wetland (i.e. drainage ditch/swale) and the minimal amount of impact, both the COE and DSL may waive the requirement for mitigation for the filling action. Potential mitigation would likely be direct in-kind replacement of a new ditch/swale along the P&WRR right-of-way.
- Given the distance of the proposed alternative alignment to Fanno Creek (approximately 480 m [1570 ft]), the potential for adverse impacts on fisheries resources and habitats within Fanno Creek is likely to be minimal. The minimal impacts may result in a finding of "No Effect" under the Endangered Species Act (ESA), so that formal consultation with National Marine Fisheries Service (NMFS) would not be necessary. Although it is unlikely, formal consultation with NMFS would require the preparation of a Biological Assessment (BA) to document potential impacts to fisheries. The COE cannot authorize the filling of the wetlands without receiving concurrency with the BA's finding of effect or a Biological Opinion (BO) from NMFS.

- The project would be built in one phase. It could be designed to be widened in the future.
- The project will provide a new connection between the Nimbus Business Center and Washington Square Mall and effectively connect Hall Boulevard west of Highway 217 to the Mall via Nimbus Avenue. Before improvements to the Hall Boulevard/Highway 217 interchange are made, this may become a short-cut route for motorists traveling from west of Highway 217 to the Mall. The bridge is intended to provide a local connection from Nimbus Business park to the Mall (e.g. two-lane roadway including facilities for transit, bicyclists, and pedestrians).
- The design of the facility and the roadway treatments should be sensitive to its intent and the potential that motorists would use it to avoid the Hall Boulevard/Highway 217 interchange.
- Traffic impacts at the existing southbound Progress off-ramp from Highway 217 to Hall Boulevard should be evaluated and coordinated with the Hall Boulevard/Nimbus Avenue. Improvements to this intersection may be necessary. An additional option is to connect the Mall to Scholls Ferry Road with a signalized intersection, build a bridge over Highway 217, and a commuter rail connection to Nimbus Avenue.

Conclusions and Recommendations

- Due to the potential traffic operations impacts to Scholls Ferry Road, and the potential constraints on future Highway 217 interchange improvements, the TAS and Task Force do not support this project.
- This project extends the life of Highway 217 so that local trips from the Nimbus Business Center to the Washington Square Mall can avoid the Hall Boulevard and Scholls Ferry Road interchanges with Highway 217.
- This configuration of the Nimbus crossing requires relocating the northbound Highway 217 to Scholls Ferry Road off-ramp. If built prior to improvements on the Highway 217 corridor, this is likely to preclude future efficient configurations of the Highway 217/Scholls Ferry Road interchange. Once a bridge is constructed, it is expensive to expand or modify it. Therefore, according to the phased implementation and expandability criteria, this project receives a low rating.
- Implementation of this alternative is likely to result in the filling of approximately 0.16 ha (0.37 ac) at two locations. This proposed wetland fill is likely to be authorized by a Nationwide Permit No. 14 (Linear Transportation Crossings) as the fill area is below the permit's 0.20 ha (0.50 ac) limitation for public transportation improvement projects. NWP No. 14 would be authorized by the Corps of Engineers (COE) in accordance with Section 404 of the Clean Water Act. The wetland fill(s) would also qualify for a General Authorization for Road Construction by the Oregon Division of State Lands (DSL) under the Oregon Removal/Fill Law.
- Given the distance of the proposed alternative alignment to Fanno Creek (approximately 480 m [1570 ft]), the potential for adverse impacts on fisheries resources and habitats within Fanno Creek would likely be minimal. These minimal impacts may result in a finding of "No Effect" under Endangered Species Act (ESA), which means that formal consultation with National Marine Fisheries Service (NMFS) is not necessary. Preparation of a "No Effect" memorandum could be prepared to show justification for not

initiating consultation with NMFS. Although it is unlikely to occur, formal consultation with NMFS would require the preparation of a Biological Assessment (BA) to document potential impacts to fisheries. The COE is not likely to authorize the filling of the wetlands without receiving concurrency with the BA's finding of effect or a Biological Opinion (BO) from NMFS.

- Relocating the existing northbound Highway 217 to the Scholls Ferry Road off-ramp and adding a new intersection on Scholls Ferry Road would negatively influence traffic on Scholls Ferry Road and Highway 217.

SW Nimbus Avenue

The Washington Square Regional Center Task Force identified this project as the second priority for implementation in the Regional Center area.

Its two components are as follows:

North of Scholls Ferry Road: Modify the existing roadway to a three-lane facility with parking, bike lanes and sidewalks. Potential for streetscape improvements include a solid median with specific turn slots to individual properties.

Nimbus to Greenburg Connection: Extend SW Nimbus Avenue to meet Greenburg Road. This would be a five-lane roadway with bike lanes and sidewalks, but no on-street parking.

North of Scholls Ferry Road

Conclusions and Recommendations

- With the connection to Greenburg Road (and potentially north to Denny Road), this facility would provide increased north-south connectivity on the west side of Highway 217 for local and sub-regional trips.
- This project could be constructed with or without improvements to Highway 217 and not significantly influence the future nature of Highway 217.
- This project would not be built without the connection to Greenburg Road. If connected to the Nimbus-Greenburg connection, it would extend the life of Highway 217 by providing an alternative travel route through the west side of the WSRC.
- Right-of-way along the existing Nimbus Avenue may be required.
- There may be traffic issues at the intersection of Nimbus Avenue with Hall Boulevard. Traffic operations at this intersection would have to be coordinated with the future configuration of the Highway 217/Hall Boulevard interchange.
- This facility could be built as a three-lane facility south of the Locust Street Overcrossing. Future volumes partially dependent on the future capacity of Highway 217.

Nimbus-Greenburg Connection

Conclusions and Recommendations

- The City of Tigard should begin planning for and designing this facility as soon as possible. The potential environmental issues and mitigation opportunities require substantial analysis and federal review.
- Connected to a widened Nimbus, this facility would provide alternate access for motorists on the south and west side of Highway 217. They would no longer have to choose between Hall Boulevard and Highway 217 for north-south access.
- Right-of-way would be required.
- There are environmental impacts associated with building this facility.
- Depending on the design, there are associated wetland, stream, and floodplain mitigation opportunities in the vicinity of the connection with Greenburg Road.
- This alternative has the potential to affect 0.08 ha (0.21 ac) of wetlands at three locations. The wetland impacts would be largely the result of re-aligning SW Nimbus Avenue and building bridge piers within the wetlands adjacent to the P&WRR right-of-way and Ash Creek. For the bridge piers, the wetland fill could be authorized by either a NWP No. 25 (Structural Discharges) or a NWP No. 14 (Linear Transportation Crossings.). The NWP No. 25 authorizes the discharges of concrete or other fill material into tightly sealed forms or cells where the material is used as structural member or footing for a bridge pier (Wetland Training Institute 2000.) The NWP No. 14 authorizes fills up to 0.20 ha (0.5 ac) for public transportation improvement projects. The wetland fill associated with the realignment of SW Nimbus Avenue could be authorized through a NWP No. 14. The NWP would be authorized by the Corps of Engineers (COE) in accordance with Section 404 of the Clean Water Act. The wetland fill(s) would also qualify for a General Authorization for Road Construction by the Oregon Division of State Lands (DSL) under the Oregon Removal/Fill Law.
- Authorization for the wetland fill by the COE through either a NWP No. 25 or a NWP No. 14 constitutes a federal action or “nexus.” This may require consultation with the National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act (ESA) to assess potential impacts to fisheries listed as threatened within Fanno Creek and Ash Creek. Surface runoff from the impacted wetlands drains to Ash Creek via broad drainage swales located along both sides of the P&WRR right-of-way. Stormwater from SW Nimbus Avenue drains to Fanno Creek. Without proper stormwater controls, water quality within Fanno and Ash Creeks could be further degraded. To fully address potential water quality impacts to fisheries, the consultation with NMFS would require the preparation of a BA to document potential impacts to fisheries. The COE is not likely to authorize the filling of the wetlands without receiving concurrency with the BA’s finding of effect or a BO from NMFS.
- Given the extent of wetland impact and the location of these impacts in proximity to Ash Creek, the COE and DSL would likely require mitigation as a condition of permit authorization. Fortunately, there are significant opportunities for mitigation along both Ash and Fanno Creeks. For example, the potential exists that up to 1.1 ha (2.8 ac) of impervious surfaces would be removed and converted to wetlands and floodplain along Ash Creek when the elevated roadway is built over existing commercial buildings. Other potential mitigation opportunities include creation of existing wetlands; restoration of

existing degrading wetlands; and enhancement of existing wetlands along Ash or Fanno Creek. The DSL would likely require at least a 1.5 to 1 replacement ratio. The overall intent of the mitigation requirements established by the COE and DSL is that there would be no net loss of wetland values and functions within the project area.

South: Mall to Nimbus Connection

The Washington Square Regional Center Task Force identified this project as the third priority for implementation in the Regional Center area: build a new bridge from SW Locust St/Greenburg Road, through Washington Square, over Highway 217, terminating at the extended SW Nimbus Avenue south of Scholls Ferry Road. This facility would include bike lanes and sidewalks.

Conclusions and Recommendations

- This facility will improve connectivity between the east and west sides of Highway 217; it is important to avoid or minimize potential negative neighborhood traffic impacts east of Greenburg Road.
- This improvement provides more connectivity benefits and significant congestion relief on Highway 217.
- The location of the intersection of this facility with Greenburg Road will influence traffic volumes on Locust Street east of Greenburg Road.
- The final alignment of the roadway and overcrossing should be designed to minimize negative traffic impacts to the neighborhood adjacent to Locust Street. This facility could be constructed independent of the future form of Highway 217.
- Right-of-way through the Washington Square Mall and on the west side of Highway 217 at the connection back to Nimbus Avenue would have to be acquired.
- To complete the connection from the bridge to Nimbus, it would be necessary to raise a portion of Nimbus Avenue on the west side of Highway 217. Maintaining traffic during construction will be a challenge.
- The intersection of this facility with Greenburg Road influences the extent of neighborhood impacts to Locust Street east of Greenburg Road. As a four-legged intersection with Greenburg Road, there is potential for more cut-through traffic on Locust Street east of Greenburg Road. If the intersection is created opposite the existing Lincoln Center access, this would minimize the potential for neighborhood cut-through traffic; but also would decrease traffic flow and operations on Greenburg Road.
- An alternate potential mitigation to minimize neighborhood cut-through traffic is to prohibit traffic from traveling east and westbound across Greenburg Road on Locust Street.
- As this facility is designed, neighborhood impacts should be considered and balanced with traffic level-of-service (LOS) considerations on Greenburg Road.
- Engineering criteria may require the placement of bridge piers within the wetlands adjacent to the P&WRR right-of-way. This would require the filling of approximately 0.024 ha (0.06 ac) at possibly two locations. In addition, the realignment of SW Nimbus Avenue would result in approximately 0.020 ha (0.05 acre) of wetland fill. For the bridge piers, the fill could be authorized by either a NWP No. 25 (Structural Discharges) or a NWP No. 14 (Linear Transportation Crossings).

- Given the relatively small size of proposed wetland fill, the Corps of Engineers (COE) and Division of State Lands (DSL) may waive mitigation requirements. In the event that mitigation is required, ample opportunities for mitigation along either Ash Creek or Fanno Creek exists. Potential mitigation opportunities include creation of existing wetlands, restoration of existing degraded wetlands, and enhancement of existing wetlands. The DSL would require at least a 1.5 to 1 replacement ratio. The overall intent of the mitigation requirements established by the COE and DSL would be no net loss of wetland values and functions.

SW Lincoln Street

The Task Force chose this project as the fourth priority: modify Lincoln Street to provide a three-lane section with parking, bike lanes and sidewalks between SW Locust Street and SW Oak Street.

Conclusions and Recommendations

- This improvement would enhance local circulation for motorists and non-auto modes of transportation within the Regional Center.
- It would have no impacts on the future form and function of Highway 217.
- Some right-of-way to complete this connection between Locust and Oak Street is required.

SW Hall Boulevard

The Task Force identified this project as its fifth priority for implementation: first, build a three-lane facility with sidewalks and bike lanes between Oleson Road and Highway 217. If after other project recommendations have been built and it is found that Hall Boulevard still needs to be a five-lane facility, the roadway would be widened again. In the interim, and as possible, the City of Tigard or ODOT would acquire the right-of-way necessary.

As a three or five-lane facility, this project includes a landscaped median with designated left turn pockets that also provide for improved pedestrian crossing opportunities. This is consistent with Metro's Regional Boulevard Designation for Hall Boulevard.

Conclusions and Recommendations

- The roadway should be improved to three lanes with sidewalks, bike lanes and pedestrian refuges. If, after other improvements have been implemented and further capacity is needed, the Task Force recommends that the roadway then be widened to five lanes with sidewalks, bike lanes and pedestrian refuges.
- The surrounding neighborhoods and businesses oppose widening Hall Boulevard to a five-lane section given concern for hundreds of children who walk to school and cross Hall Boulevard and for children and adults who use Metzger Park and small stores on each side of Hall. Many people currently bicycle and walk given the current lane design.
- There is regional support for Hall Boulevard being widened to a five-lane section. This project is included in the Metro Regional Transportation Plan (RTP).
- Significant right-of-way would have to be acquired to achieve the five-lane cross section.

If widened to five-lanes before Highway 217 is improved, some improvement to traffic operations on Highway 217 may be realized.

- Maintenance of traffic as the roadway is widened to five lanes is a challenge.
- The proposed widening of SW Hall Boulevard is likely to require replacement or extension of the existing culvert crossings for Ash Brook and Ash Creek. The extension of the culverts would require work with the channels of both creeks. From a regulatory standpoint, both Ash Brook and Ash Creek are considered “waters of the United States” under Section 404 of the Clean Water Act. As such, any construction below the ordinary high water mark (2-year floodplain elevation) requires authorization from the Corps of Engineers (COE). The proposed culvert replacement can be authorized under a NWP No. 14 (Linear Transportation Crossings). It also would qualify for a General Authorization for Road Construction by the Oregon Division of State Lands (DSL) under the Oregon Removal/Fill Law.
- Historically, both Ash Brook and Ash Creek have been inhabited by steelhead trout and chinook salmon, which are listed as threatened under the Endangered Species Act (ESA). Given the potential for in-water work associated with the culvert replacement and the potential authorization of this work by the COE through a NWP No. 14, consultation may be required with the National Marine Fisheries Service (NMFS) in accordance with Section 7 of ESA. The issuance of a NWP No. 14 by the COE constitutes a federal action or “nexus,” the COE must consult with NMFS on potential impacts to threatened fisheries before the permit is issued. The consultation with NMFS would require the preparation of a BA to fully document potential impacts to fisheries. The Biological Assessment (BA) would have to address direct and indirect construction related impacts as well as the long-term effects on water quality and the loss of riparian habitat. The COE may not authorize the in-water construction work without receiving concurrency with the BA’s finding of effect or a Biological Opinion (BO) from NMFS.
- Mitigation required by NMFS would likely require full streambank stabilization of both Ash Brook and Ash Creek following construction. Replacement of lost riparian vegetation along Ash Creek also would be required. Stormwater originating from SW Hall Boulevard is likely to have to be pre-treated prior to discharge into either Ash Brook or Ash Creek. All new culverts would likely have to be designed and constructed in accordance with ODFW fish passage standards. In-water work would likely have to be conducted during ODFW approved in-water work periods (June 1-September 30) (ODFW 2000).

SW Cascade Avenue

Improve the existing roadway (north and south of Scholls Ferry Road) to three-lane standard with parking, bike lanes and sidewalks. Potential for streetscape improvements include a solid median with specific turn slots to individual properties.

Conclusions and Recommendations

- The City of Beaverton and Tigard should coordinate with property owners to ensure that the proposed streetscape for this facility is consistent with the property owners’ needs. The City of Beaverton has indicated that in the past, parking was a priority.

SW Locust Street

Modify between Hall Boulevard and Greenburg Road to include a three-lane section with parking, bike lanes, sidewalks and other streetscape improvements; maintain as a lower speed street.

Conclusions and Recommendations

- Improvements to this roadway should be consistent with the surrounding neighborhood land uses. The street should be planned to carry neighborhood and sub-regional trips at low travel speeds.
- The surrounding neighbors would prefer that this street remain a neighborhood collector.
- There would likely be diversion of traffic onto Oak Street.
- Right-of-way may be required.
- The facility has little influence on the future form and function of Highway 217.

SW Oak Street

Modify the roadway to provide a two-lane section with parking, bike lanes and sidewalk between SW Hall Boulevard and SW Lincoln Street.

Conclusions and Recommendations

- Coordination between Tigard and Washington County is required.
- There is likely to be diversion of traffic onto Locust Street during construction.
- Right-of-way may be required.

Washington Square Internal Roads

Build improvements to existing Washington Square Mall internal circulation roads to meet public street standards, with bike lanes and sidewalks.

Conclusions and Recommendations

- As Tigard does not have jurisdiction over these roadways, the City would either have to acquire the right-of-way, condition the improvements with further Mall development, or obtain cooperation from the property owners.
- The roadways could be modified to public street standards easily.

COMPARISON OF EXISTING AND PROPOSED ZONING, AND TRANSPORTATION IMPLICATIONS

At the conclusion of the Washington Square Regional Center Plan, it was clear that a number of traffic-related questions needed to be addressed in the WSRC Implementation study, including whether the proposed land use zoning would yield worse traffic conditions than currently experienced. Specifically, a key transportation issue is comparing the trip generation potential in the Regional Center area assuming buildout under current zoning as compared to buildout under the proposed *WSRC Plan* zoning. (Figure 4, *WSRC Plan* zoning.)

Conclusions and Recommendations

The memorandum, *Comparative Evaluation of Study Area Trip Generation*, Technical Memorandum, Kittelson & Associates, Spencer & Kupper, February 20, 2001, concluded:

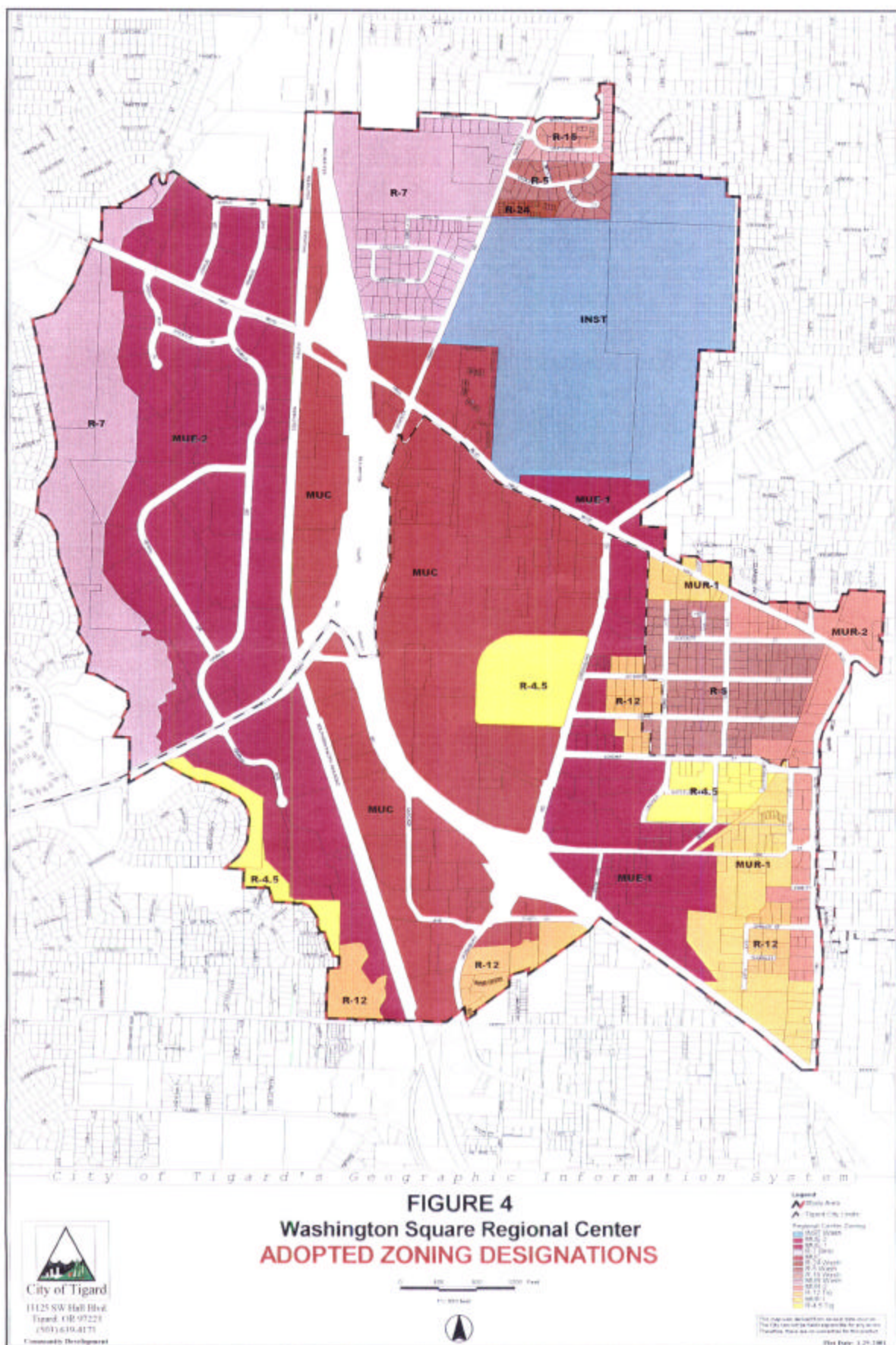
- Existing traffic congestion in the area will worsen, either under the current zoning or the proposed zoning scenario.
- Significant transportation system improvements are required in the Regional Center area, regardless of the current or proposed zoning.
- At buildout, the proposed *WSRC Plan* land uses will generate the same number of p.m. peak hour trips as would be generated assuming buildout under current zoning.
- The transportation system required to serve the proposed Regional Center land uses are the same as required to serve the area assuming buildout under current zoning conditions.
- By adopting the *WSRC Plan*, the City of Tigard has the opportunity to plan for this growth in a manner consistent with regional policy; in addition, there is greater likelihood of funding.

TRANSPORTATION DEMAND MANAGEMENT STRATEGY

The report, *Washington Square Transportation Demand Management (TDM) Report*, Michael Kodama Planning Consultants, June 25, 2001, describes a framework for the development, refinement and adoption of a TDM program that would complement the transportation improvements identified in the Washington Square Regional Center Framework Plan.

TDM strategies focus on reducing single occupant vehicle trips and encouraging use of alternative modes. They seek to modify travel behavior to make better use of transportation resources and infrastructure. The 1999 *WSRC Plan* identifies the following potential TDM strategies:

- Free monthly or daily bus passes for employees
- Parking management
- Designated and preferential carpool parking for employees
- Shuttle to nearby park and ride lots
- Employee shuttle
- People mover system
- Flexible or staggered work hours
- Guaranteed ride home program
- TMA development
- Transit priorities
- Pedestrian infrastructure and facilities
- Bicycle infrastructure and facilities



Of these, people seem more likely to support bus pass programs (not necessarily free), increased transit options, guaranteed ride home programs and shuttle options. Flexible/staggered work hours are attractive to some employers/employees but do not apply to all business in the area, such as retail operations. A people mover system connecting the Mall, Nimbus Business Center and Lincoln Center should concentrate initially on rubber tire alternatives that are flexible and can shift with demand and future development.

Additional possible TDM strategies include further development of the regional carpool matching system and additional cost effective and convenient transit system improvements that make it easier for discretionary riders. There are connectivity issues related to MAX, commuter rail and the more suburban and rural parts of the metropolitan area. Connectivity issues within WSRC, specifically include connecting destinations at Washington Square Mall and the Lincoln Center and Nimbus areas.

Conclusions and Recommendations

The following are based on stakeholder interviews, discussions with regional agencies and past experience in transportation demand management:

- The City of Tigard should implement transportation demand management policies and strategies that reduce Single Occupant Vehicle (SOV) trips and increase use of alternative modes. As the cities of Tigard and Beaverton, and Washington County proceed with their transportation system planning projects, they should incorporate TDM program development into their work programs.
- Beyond the TDM programs, Tigard should continue to facilitate discussions with key stakeholders to determine the viability and level of employer and jurisdictional interest in a TMA program for the entire Regional Center area.
- Pursue TMA funding from Metro. Metro allocates federal flexible funding for TMA start-ups through its bi-annual planning process. Subject to funding availability and interest from other areas of the region, the Washington Square area could be awarded funding of up to \$32,000, with a \$3,000 local match to conduct an exploratory study to refine the potential for and procedures for developing a TMA for the Washington Square area.
- As a complement to the development and implementation of TDM and TMA programs, the City of Tigard should conduct a detailed review of existing and future parking supply and peak period demand as compared to supply (i.e. utilization). As an outcome of this analysis, the City could develop and implement parking code modifications and a parking management plan as necessary to reflect mode split goals for the area.
- Parking management strategies that may be implemented in the area include educating businesses about the true value/cost of parking spaces; facilitating shared use parking (perhaps through a partnership between Tigard and local businesses); encouraging employees to use alternative modes; clustered parking; and preferential parking for carpoolers. In the long-term, parking pricing strategies (e.g., fees for long-term, and short-term parking) or new parking structures also could be implemented.
- The City of Tigard, Washington County, Beaverton and employers in the area should actively work with Tri-Met to attain transit improvements in the area. As part of its Regional Center feasibility analysis, Tri-Met identified a series of recommendations for the area that would improve transit service.

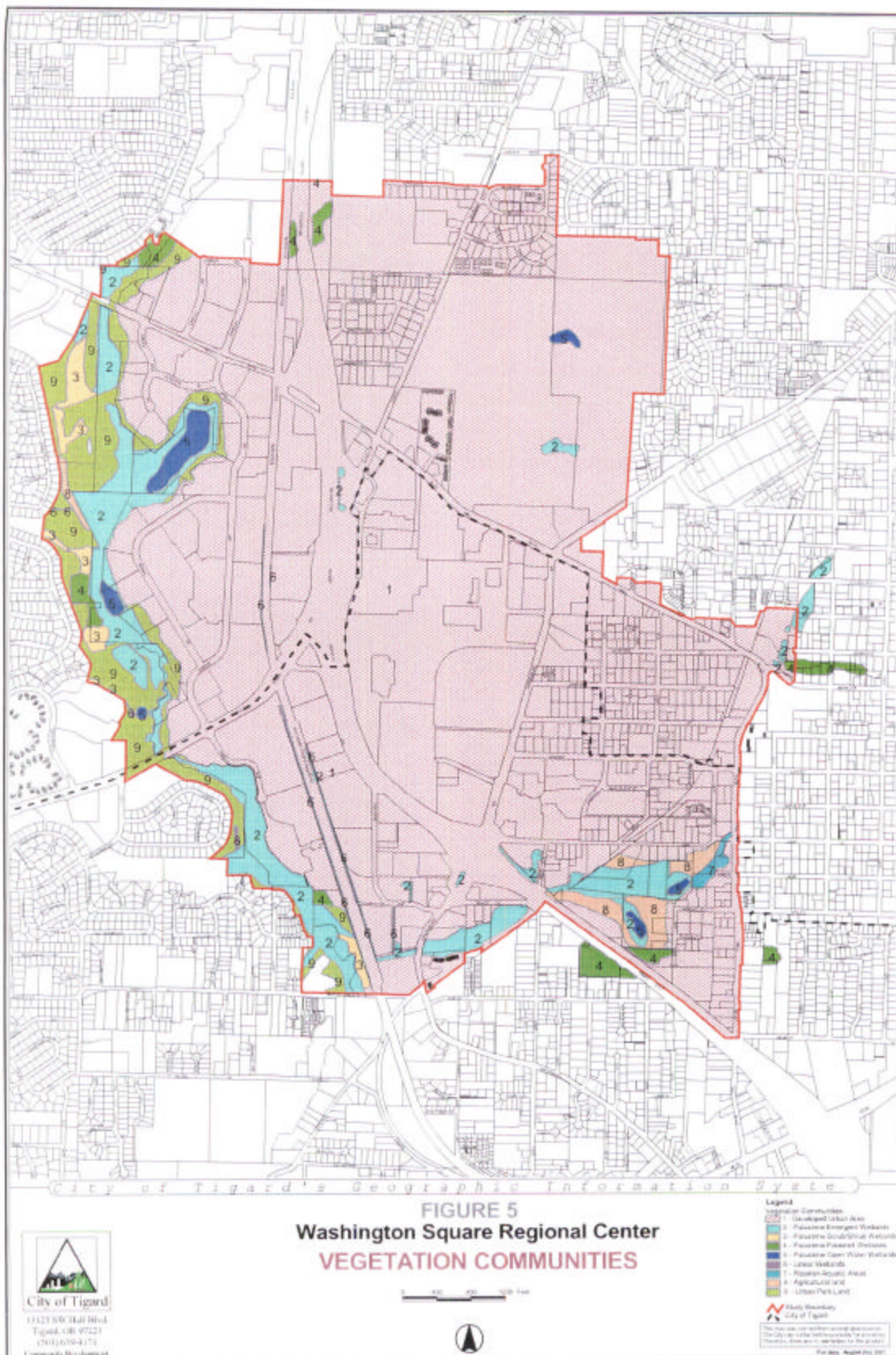
4. NATURAL RESOURCES

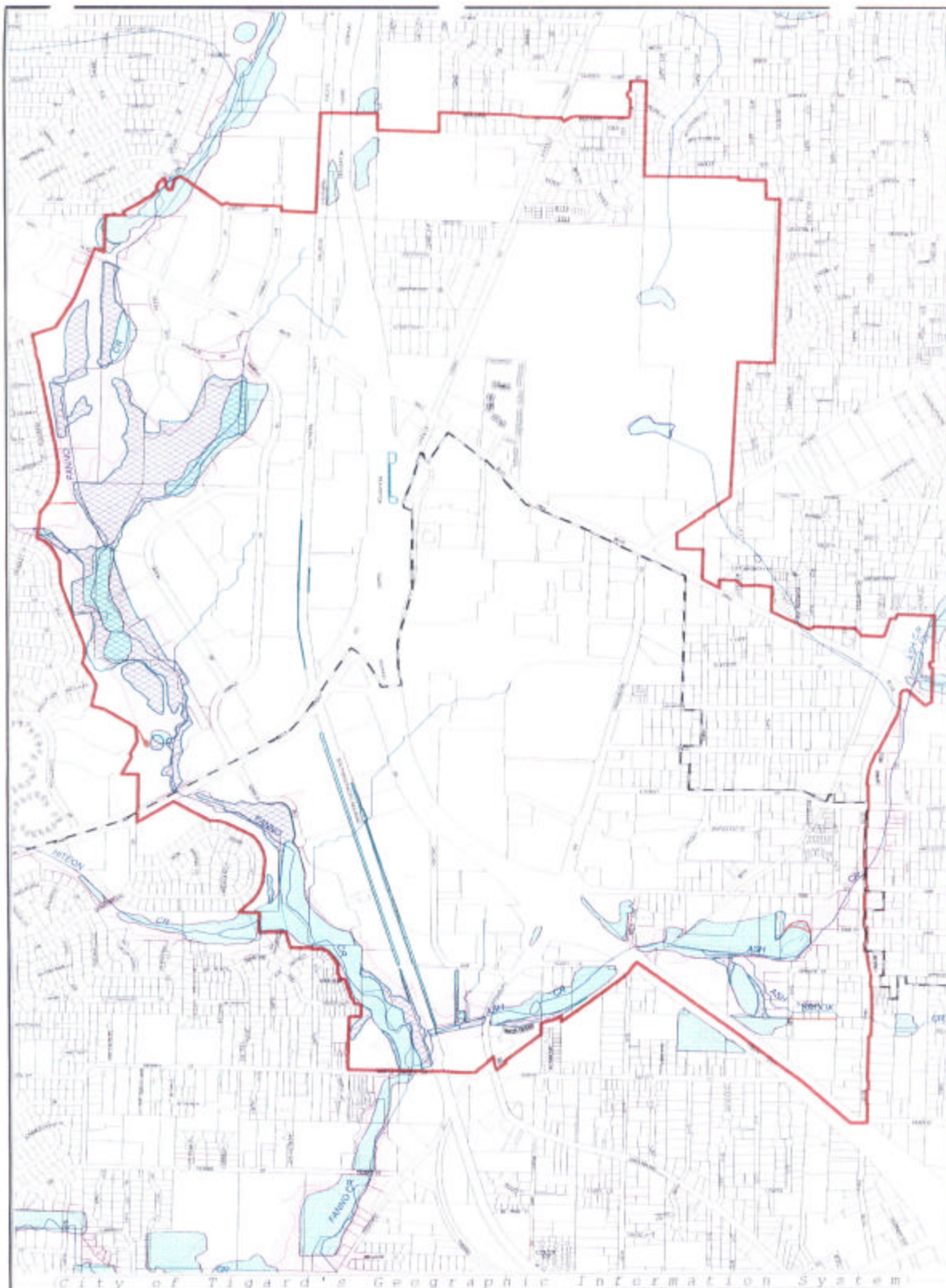
WETLAND AND HABITAT MAPPING

The report, *Natural Resources Assessment Report*, Mason, Bruce & Girard, Inc., March 12, 2001 addresses the charge to “map and confirm the hydrological characteristics (wetlands and fish habitat) of the Fanno and Ash Creek Watersheds within the Regional Center.” Figure 5 shows the location of vegetation communities within the Regional Center; Figure 6 identifies wetlands.

Conclusions and Recommendations

- Palustrine Emergent Wetlands comprise the majority of the total wetlands in the Regional Center and are primarily associated with the flood plains of Ash and Fanno Creeks. The vegetation in these wetlands is generally free of tree and shrub cover and comprised of herbaceous vegetation: reed canarygrass and other species. These wetlands provide several important functions and values including floodwater storage, groundwater recharge, sediment and nutrient retention and wildlife habitat. Their value for all these functions is considered to be high.
- Palustrine Scrub-Shrub Wetlands are primarily associated with the floodplain of Fanno Creek. This community is characterized by small trees and shrubs, generally intermixed with large open areas dominated by herbaceous vegetation. They function primarily as collectors and conveyors of stormwater; their small size precludes any significant retention of stormwater flows. Their overall value in performing these functions is considered low to moderate. In addition, they likely function more as migration or travel corridors rather than as nesting or resting habit for wildlife. Their overall value as wildlife habitat is considered low to moderate.
- Palustrine Forested Wetlands occupy only small areas within the floodplains of Ash Creek and Fanno Creek. The forested areas are generally discontinuous and occur as small isolated stands separated by the larger emergent wetlands where tree cover is absent. They have a relatively high value for wildlife habitat, riparian cover, noise reduction and aesthetics to the urban environment but provide only limited function for stormwater retention and sediment trapping. The vegetative structure of these wetlands provides shade along streams, lowering overall stream temperatures. The forest structure also provides habitat for various species of wildlife that depend on forested conditions for parts of their life cycles.
- Palustrine Open Water wetlands are characterized by shallow ponds and open water areas within the floodplains of Ash and Fanno Creeks. They include Creekside Marsh in the northwestern portion of the study area just west of Nimbus Drive and several ponds adjacent to Ash Creek in the southeastern portion of the study area. These wetlands have a relatively high value for wildlife habitat, floodwater storage, groundwater recharge, sediment and nutrient retention, and aesthetics to the urban environment.






 City of Tigard
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FIGURE 6
Washington Square Regional Center
WETLANDS

0 400 800 1200 Feet

1" = 800 Feet



Legend
 - Road
 - City Limits
 - Study Area
 - Wetland - Shrub
 - Wetland - Forest
 - Wetland - Grassland
 - Field Observation
 - Field Observation
 - Field Observation

This map is a representation of the data as shown.
 The City is not responsible for any errors or
 omissions. Users are responsible for their own
 use of the data.

- Linear Wetlands include stormwater swales and roadside ditches in developed areas. Most of these have been artificially created to remove stormwater from developed areas. They are considered to have low function and value for stormwater retention, sediment and nutrient retention, groundwater recharge, wildlife habitat and aesthetics.
- Ash Creek and Fanno Creek are the perennial streams within the Regional Center. Both support or supported anadromous runs of winter steelhead trout and chinook salmon species that are listed as threatened under the Federal Endangered Species Act (ESA). Development or other activities that pose fish passage issues and habitat degradation are subject to the jurisdiction of the National Marine Fisheries Service (NMFS).
- Currently, both Ash Creek and Fanno Creek offer poor habitat for fish. Important habitat elements such as large woody debris, cold water temperatures, pool and riffle complexity and quality spawning gravels are absent from both stream systems. No fish were observed in the streams during field studies conducted for this project.

EVALUATE NATURAL RESOURCE POLICIES AND STANDARDS

The report, *Natural Resources Regulations and Development Practices Report*, Spencer & Kupper with Mason, Bruce & Girard, Inc., June 20, 2001 addresses the charges to “compile policies and standards for these watersheds related to development impacts, including the extent that parks and open spaces activities can exist within the 100-year floodplain area” and to “recommend modifications (as necessary) to the City’s natural resource regulations.”

This report first summarizes federal, state and local regulations that apply to both public and private developments near floodplains, wetlands and sensitive stream corridors. These existing regulations protecting natural resources take precedence over any local zoning designations, existing or proposed.

Policies and standards for mixed-use zones designed to implement the Washington Square Regional Center are then summarized, including provisions to provide incentives for new developments adjacent to resource set-back areas to improve adjacent wetlands, fish habitat and floodplains. These requirements have been approved by the Tigard City Council, but full enactment has been postponed pending resolution of the issues noted above.

In addition, a number of Best Management Practices are included, taken from *Natural Resources and Assessment Report*, Washington Square Regional Center Study, Mason, Bruce & Girard, Inc., March, 2001 that describe construction, development and landscaping techniques that can minimize impacts to vegetation communities, fisheries resources and wetlands.

Conclusions and Recommendations

Based on the information in this report and on other technical work completed as part of the Phase II Washington Square Regional Center project, the following conclusions and recommendations are made:

- Existing federal, state and local regulations and impact review procedures applicable to public and private developments within the Regional Center address the protection of identified natural resource areas. If new environmental protection requirements are enacted, particularly for storm water and floodplain protection and the Endangered Species Act, they will apply to the Regional Center.
- These existing regulations and any new ones to protect natural resources take precedence over any local zoning designations, existing or proposed.
- Proposed zoning designations applying to resource areas, particularly Mixed-Use Employment-1 and Mixed-Use Residential-1 designations along Ash Creek east of Highway 217 to Hall Boulevard, and Mixed-Use Employment 2 east of Fanno Creek, do not in and of themselves threaten natural resource values or potentially cause environmental impacts, any more or less significantly compared to existing or less intensive zoning.
- Notwithstanding the findings noted above, modifications to City of Tigard development standards that apply to sites that include natural resource areas along Ash Creek and Fanno Creek are warranted. Development on sites where a 50-foot riparian setback is required should be subject to development standards that provide a wide range of

flexibility, to minimize potential environmental impacts. Applicable development standards include waiving minimum FAR and residential density standards, adjusting building setbacks and others. Standards should be adjusted only when it is demonstrated that the adjustment is the minimum necessary to avoid potential environmental impacts.

- The identification and mapping of wetlands, stream corridors and other features contained in *Natural Resources and Assessment Report*, Washington Square Regional Center Study, Mason, Bruce & Girard, Inc., March, 2001 should be used to update the Tigard Wetlands and Stream Corridors Map.
- The City of Tigard, with Clean Water Services (USA), Washington County, Metro, ODOT, ODF&W and key property owners, should develop a wetland and open space enhancement and mitigation program for the lower Ash Creek corridor from Fanno Creek to Hall Boulevard. The plan should identify improvements within the floodplain, wetlands and stream corridor to enhance endangered species habitat, and improve wetland functional values. It should focus any necessary mitigation activities required within the Regional Center and nearby areas. Funding for the enhancement and mitigation program should utilize a variety of sources, including the following:
 - Require that public and private wetland mitigation activities be undertaken within the area.
 - Pursue funding for acquisition and enhancement through Metro's Greenspaces Fund.
 - Establish a Local Improvement District within the Washington Square Regional Center for stormwater improvements and resource enhancement activities.
 - Create an Urban Renewal District for the Washington Square Regional Center area, and authorize funding for resource enhancement activities.
 - Coordinate with the Parks and Open Space Implementation Strategy to identify improvements appropriate for the area.
 - Pursue regional, state and federal grants for these projects. Provide matching funds from LID revenues and/or urban renewal funds.
 - Incorporate the Best Management Practices outlined in this report into the plan.
 - Develop an on-going maintenance and management plan and funding program.
- Implement the recommendations in the Fanno Creek Watershed Management Plan for the reach of Fanno Creek within the Regional Center. Coordinate with the cities of Tigard and Beaverton, Clean Water Services (USA), and other stakeholders for the following:
 - Pursue funding for acquisition and enhancement through Metro's Greenspaces Fund.
 - Establish a Local Improvement District (LID) within the Washington Square Regional Center for stormwater improvements and resource enhancement activities.
 - Create an Urban Renewal District for the Washington Square Regional Center area, and authorize funding for resource enhancement activities.
 - Coordinate with the Parks and Open Space Implementation Strategy to identify improvements appropriate for the area.
 - Pursue regional, state and federal grants for these projects. Provide matching

- funds from LID revenues and/or urban renewal funds.
 - Incorporate the Best Management Practices outlined in this report into the plan.
 - Develop an ongoing maintenance and management plan and funding program for the area.
- Develop a natural resources mitigation handbook, which incorporates, describes and illustrates the best management practices summarized in the report.

5. STORMWATER MANAGEMENT

The report, *Assessment Report for Stormwater Management*, URS, Inc., June, 2001, identifies the public improvement needs for stormwater quality and quantity, evaluates alternatives and recommends an approach to storm water drainage improvements. This assessment led to the following:

Conclusions and Recommendations

- Stormwater facilities that serve existing developments are generally inadequate to address the water quality and quantity needs in the area; conditions do not meet current standards.
- The Fanno Creek Watershed Management Plan defines a number of stormwater improvements in the Regional Center that address the overall stormwater needs in the area. Funding has not been identified.
- The Regional Center area does not contain adequate or appropriate locations for regional stormwater facilities; thus, new developments are required to provide on-site stormwater improvements.
- New on-site stormwater improvements should be designed so that the post-development peak discharge rate, volume, and pollutant loading to the receiving waters are the same or better as predevelopment values.
- Existing regulations of Clean Water Services (USA), and the cities of Tigard and Beaverton are adequate to assure that new stormwater improvements meet applicable goals.

Based on these conclusions and the findings, the following stormwater management strategy is recommended.

- The City of Tigard, together with Clean Water Services and the City of Beaverton, should develop a stormwater facility upgrade and replacement program designed to improve existing stormwater facilities. Major property owners within the Regional Center should also participate. Funding for the upgrade and replacement program should be focused on local sources, including the following:
 - Establish a Local Improvement District within the Washington Square Regional Center for stormwater upgrade and replacement programs.
 - Earmark 100% of the Stormsewer Service Charge, Water Quality/Quantity Fund and Stormwater Systems Development Charge generated by existing and new developments within the Regional Center to these projects.
- Pursue regional, state and federal grants for these projects.

- Create an urban renewal district for the for the Washington Square Regional Center area. The urban renewal plan should authorize projects to improve existing water quality and flood protection improvements and build new water quality and flood protection projects.
- Implement the stormwater and natural resource enhancement improvements identified in the *Fanno Creek Watershed Master Plan*. Develop a funding program focused on city and regional sources for these projects, including:
 - Clean Water Services (USA) Capital Improvements Projects
 - Local Improvement District
 - Creation of an Urban Renewal District for the Washington Square Regional Center area
 - Regional, state and federal grants.
 - Provide matching funds from LID revenues, and/or urban renewal funds.
- Prepare a stormwater management best practices handbook to be utilized with regulations for new development projects administered by the cities of Tigard and Beaverton and the Clean Water Services (USA). Provide an incentive program for developments and projects that implement innovative stormwater management practices.

6. GREENBELT, PARKS AND OPEN SPACES

The Parks/Open Space Technical Advisory Subcommittee (POSTAS) reviewed background materials including policies, existing parks, natural features and mapping that relates to the Washington Square Regional Center Plan's Greenbelt, Parks and Open Space Concept Plan. The POSTAS also identified opportunities and constraints, missing links, needs and potential projects. Park development criteria helped define various park types and uses. This assessment and recommendations was coordinated with the City of Tigard's Park System Master Plan and the Tualatin Hills Park and Recreation 20-Year Comprehensive Master Plan.

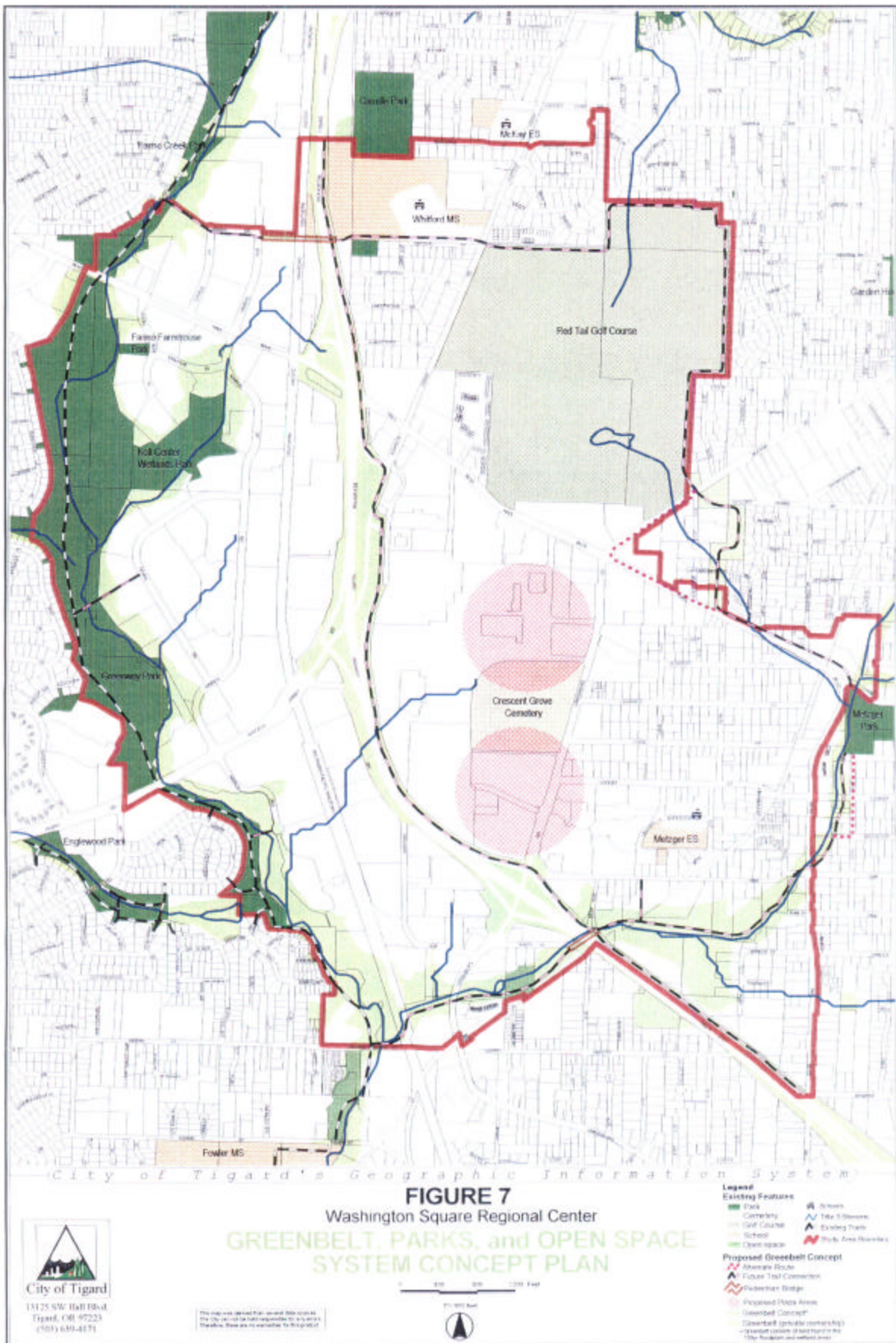
The focus of this work effort was to refine recommendations in the *WSRC Plan* for open space developments, including needs assessment, and preparation of final recommendations for open space preservation, new park identification, and an implementation and financing strategy for needed improvements. The results of this assessment and recommendations are included in the report, *Greenbelt, Parks and Open Space Concept Plan Implementation Strategy*, Lloyd D. Lindley, ASLA, May, 2001.

Conclusions and Recommendations

This *Concept Plan* provides more detail and focus, and builds on the recommendations contained in the *WSRC Plan*. Its primary elements, shown in Figure 7, include:

- A natural greenbelt surrounds nearly the entire regional center. The Fanno and Ash Creek floodplains define its west, south and eastern reaches, while Red Tail Golf Course and Whitford School partially completes the north link. A range of public and private ownerships currently exists.

- A number of missing links and improvements that are needed to complete a continuous greenway.
 - Fanno Creek linear park development: connections from the existing Fanno Creek greenway trail to the Regional Center to the east and to other parks and trails.
 - Ash Creek linear park development: connections along Ash Creek and to the Fanno Creek trail system and Hwy. 217 crossing.
 - Fanno Creek to Red Tail Golf Course: a connection over Hwy. 217 between the Fanno Creek greenway to Whitford School and the Red Tail Golf Course.
 - Red Tail Golf Course Trail: connections through or around the golf course.
 - Oleson Road to Hall Blvd.: connections between Red Tail Golf Course and Hall Blvd.
 - Hall Blvd. to Metzger Park: sidewalk widening and improvements along Hall Blvd. to the park.
- Metzger and Whitford School: improvements to recreation, sports and playground facilities are needed.
- Ash Creek Neighborhood Park: a new neighborhood park east of Greenburg Road.
- Washington Square Urban Open Space: a new urban plaza near the center of the Regional Center.
- Highway 217 Corridor Trail System: a bicycle and pedestrian trail system to provide connections to the greenbelt, enhanced pedestrian streets, bridge crossings and open space facilities.
- Special Parks and Facilities: opportunities exist along the greenbelt and within the Regional Center to create local recreation and interpretive facilities such as an arboretum, butterfly park, community center, swimming pool, tennis facility, skating parks, museums, interpretive facilities and others.
- Implementation of the *Concept Plan* would result in from 20 to 50 new acres of land for parks and open space uses.
- A Parks and Open Space Master Plan as a first step to identify sites and specific improvements for selected uses is needed.



7. FINANCIAL STRATEGY

The Washington Square Regional Center Plan and the various reports prepared for this Phase II work effort identify ambitious but workable improvements needed to correct deficiencies in the transportation system. There is also the need to correct existing flooding problems within the area, to anticipate needed improvements related to stormwater quality and quantity in response to the recent listing of several fish species subject to the Endangered Species Act (ESA); and to acquire and improve parks and open spaces.

The report, *Financing Strategy, Washington Square Regional Center*, Spencer & Kupper, June 28, 2001 outlines overall funding recommendations for these needs and priorities. Tables 1, 2 and 3 summarize the improvements recommended for each subject area, costs, overall funding strategy, responsibility and phasing. Generally, cost estimates are in constant 2001 dollars. Funding projections do not account for inflation. Phasing is described as Short-Term (1- 6 years); Medium-Term (7-12 years); and Long-Term (13-20 years).

TRANSPORTATION FINANCING STRATEGY

As noted previously, a Transportation Technical Advisory Subcommittee (TAS) was convened as part of this Phase II effort. The TAS met five times from January 2001 through June 2001 to review the Washington Square Regional Center Plan recommendations, and identify whether or not any of the recommendations were fatally flawed. The group's review was based on evaluation criteria addressing environmental impacts, traffic operations, neighborhood, and alternative mode performance measures. The report, *Project Recommendations, Evaluation and Implementation*, Kittelson & Associates, May, 2001, describes the analysis, conclusions and recommendations from this effort. The following TAS recommendations for transportation funding were adopted by the Task Force.

1. Aggressively pursue transportation funding, including the Highway Trust Fund, state and local sources, and Metro's Metropolitan Transportation Improvement Program (MTIP). Earmark these funds for major transportation improvements that benefit the entire Regional Center.
2. Establish priorities so that locally generated transportation-related fees from existing businesses and residents and new development activity located within the Regional Center pay for transportation needs within the Regional Center.
3. Pursue the formation of local improvement district(s) (LIDs) where existing businesses and residents directly benefit from improvements to existing transportation facilities, or relatively modest new improvements are needed that benefit several property owners.
4. Seriously consider the formation of an urban renewal district for the Regional Center as a local funding source for major transportation improvements that benefit the entire area. Utilize this funding to leverage other significant sources.

5. Maintain development approval practices that require new developments to pay for or provide transportation improvements in a manner proportional to their impacts on the local transportation system.

The following table summarizes possible results from this transportation financing strategy:

Total Unfunded Transportation Improvements	\$115.7-121.7 million
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Sources:

MTIP (Federal Funding)	\$43.7-65.6 million
State Gas Tax	3.9 million
Local Transportation Impact Fees	\$10.6 million
Local Improvement District	\$7.0-10.0 million
Urban Renewal Program	<u>\$46.5-81.0 million</u>

Total Transportation Resources Available (20 yrs)	\$111.7-171.1 million
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STORMWATER MANAGEMENT & NATURAL RESOURCE ENHANCEMENT FINANCING STRATEGY

The *Washington Square Regional Center Plan* identifies a number of natural resources, open space and stormwater issues; and the need for a funding strategy to implement the Plans. The Phase II work effort assembled technical expertise in the areas of natural resource assessment and stormwater management, and created a Natural Resources Technical Advisory Subcommittee (NRTAS) and a Stormwater Technical Advisory Subcommittee (SWTAS) to evaluate issues and prepare recommendations for the Task Force. Issues identified by the City Council in its assessment include storm water management needs related to quantity and quality and existing flood problems within the area; and the need to adequately protect and enhance the natural resources found within the Regional Center, notably the Fanno Creek and Ash Creek floodplains.

The report, *Natural Resources Regulations and Development Practices*, Spencer & Kupper/Mason, Bruce and Girard, Inc., June, 2001, describes the findings and recommendations related to natural resource protection and enhancement. *Assessment Report for Stormwater Management*, URS, Inc., June, 2001 identifies the public improvement needs for stormwater quality and quantity, evaluates alternatives and recommends an approach to stormwater drainage improvements. Recommendations for funding follow.

1. Establish protocols that focus locally generated stormwater and water quality-related fees from existing businesses and residents and new development activity within the Regional Center on the water quantity and quality needs within the Regional Center. Two existing local funding sources should be targeted for this strategy. The City of Tigard and Clean Water Services (formerly USA) collect monthly storm sewer service charges from businesses and some residential developments within the service area. Tigard also collects a storm water systems development charge (SDC).

2. Pursue the formation of local improvement district(s) (LIDs) where existing businesses and residents will directly benefit from improvements to existing stormwater facilities, or relatively modest new improvements are needed that benefit several property owners.
3. Establish an urban renewal district for the Regional Center as a local funding source for major improvements that benefit the entire area, including stormwater, water quality and natural resource protection. Utilize urban renewal funding to leverage other significant funding sources.

In summary, based on the stormwater management and natural resource enhancement financing strategy outlined above, the following program results:

Total Stormwater/Resource Improvements	\$15.2-18.0 million
Sources:	
Stormwater Service Charge	6.0 million
Local Storm Sewer SDC	\$1.2 million
Local Improvement District	\$3.0-5.0 million
Urban Renewal Program	<u>\$9.3-16.4 million</u>
 Total Resources Available (20 yrs)	 \$19.5-28.6 million

GREENBELT, PARKS AND OPEN SPACE FINANCING STRATEGY

As part of the Washington Square Regional Center Phase II Work Effort, a Parks/Open Space Technical Advisory Subcommittee (POSTAS) reviewed background materials including policies, existing parks, natural features and mapping that relates to the Washington Square Regional Center Plan's Greenbelt, Parks and Open Space Concept Plan. The focus of this work effort was to refine recommendations made in the WSRC Plan for open space preservation, new park identification, and an implementation and financing strategy for needed improvements. The results of this assessment and recommendations are included in the report, *Greenbelt, Parks and Open Space Concept Plan Implementation Strategy*, Lloyd D. Lindley, ASLA, May, 2001.

The primary elements of a Washington Square Regional Center greenway, parks and open space funding strategy are:

1. Establish protocols that focus locally generated parks and open space-related fees from existing businesses and residents and new development activity within the Regional Center on the parks and open space needs within the Regional Center.
2. Pursue funding from the Metro Greenspaces Fund to acquire open space along Ash and Fanno Creeks.

3. Develop a coordinated fund-raising program involving the cities of Tigard and Beaverton, Washington County, Tualatin Hills Parks and Recreation District (THPRD), and Metro to aggressively pursue a wide variety of funding opportunities.
4. Establish an urban renewal district for the Regional Center as a local funding source for major improvements that benefit the entire area, including greenbelt, parks and open space acquisition and improvements. Utilize urban renewal funding to leverage other significant funding sources.

In summary, based on the greenbelt, parks and open space financing strategy outlined above, the following program results:

Total Greenway, Parks and Open Space Improvements \$13.1-20.9 million

Sources:

Local Parks SDC	\$2.5 million
Metro Greenspaces Fund	\$1.0-2.0 million
Targeted Fund-Raising	\$1.0-2.0 million
Urban Renewal Program	<u>\$9.3-16.2 million</u>

Total Resources Available (20 yrs)	\$13.8-22.7 million
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RETURN ON PUBLIC INVESTMENT

The Washington Square Regional Center currently contains one of the state's largest and most successful retail districts in the Washington Square Mall and a concentration of office and light industrial employment supporting over 18,000 jobs. About 5,000 people live within the Regional Center boundaries. During the next 20 years, growth in office and retail employment is expected to add an additional 9,800 jobs; and 1,500 new housing units will accommodate an additional 2,500 people. With future employment of about 27,800 and housing for 7,500 residents, the Washington Square Regional Center is second only to Portland's Central City as a retail/employment center; in fact, it is larger than most cities in Oregon.

The vision for the Regional Center outlined in the *WSRC Plan* calls for a dynamic, compact and interconnected community:

- A vital Regional Center serving the needs of Washington County residents
- Where stable residential neighborhoods are preserved
- Innovative transportation services are offered that make it easy for people to reach their destinations
- Washington Square Mall is a focus and a community resource
- A linked greenbelt of parks and open spaces is easily reached by residents and employees

This financing strategy report identifies more than \$160 million in transportation, stormwater, parks and open space improvements needed to support existing businesses and residences in the area; and to preserve the livability for the Regional Center's future. In fact, many of the recommended transportation and other infrastructure improvements described in the *WSRC Plan* and summarized in this report are necessary to address existing needs and deficiencies, not just the impacts caused by growth. Achieving this vision will require significant commitment and investments from both the private and public sectors. Public investments in the Regional Center are needed in order to address current deficiencies and to provide for future growth.

The current assessed value of retail, employment and housing in the Regional Center is about \$850 million. Another \$400-600 million, in current dollars, in assessed value will be added due to for growth during the next 20 years. When fully realized, the Washington Square Regional Center will have almost \$1.4 billion in assessed value. This represents about \$9 in private investment value for every \$1 in transportation and infrastructure investment, assuming this financing strategy is implemented.

It should be noted, however, that achieving the full vision described above is dependent on making the public and private investments that form the "cost" side of this financing strategy. In particular, if key transportation investments such as improvements to Hwy. 217, transit, and streets that more effectively connect the sub-districts within Regional Center are not made, existing traffic congestion will continue to worsen to the point that private investment may seek opportunities elsewhere.

To retain and enhance the Washington Square Regional Center as one of the most significant and important areas in Oregon, public investment of approximately \$160 million over the next 20 years is needed to support:

- 18,000 existing and 9,800 new jobs
- A resident population of about 7,500 people
- Countless shoppers and merchants that are attracted to the area
- A compact urban center surrounded by a greenbelt
- An assessed value of approximately \$1.4 billion

Details of this recommended financial strategy follow.

Table 1
Washington Square Regional Center
June, 2001

TRANSPORTATION IMPROVEMENTS

Project Description	Costs (1000 \$)	Financing Strategy	Jurisdiction	Phasing
TRANSPORTATION IMPROVEMENTS				
Non-Auto Modes-Regional				
Commuter Rail Service and Station*	NA ¹	Financing Strategy already in place: State Lottery Funds-\$35m requested County/City MSTIP-\$25 m Federal New Rail Starts Prog.-\$25m+	WC, TM, T,B	Short Range
Non-Auto Modes-Local Regional Center				
Washington Square Mall Pedestrian Access Improvements*	NA	New development responsibilities MRTP Funding	T, M	Short-Medium
Transit Center Improvements*	NA	Tri Met; Urban Renewal Program	TM, T, M	Short-Medium
SW Greenburg Rd. Pedestrian Refuge	30-50	Local Improvement District Urban Renewal Program	WC, M, T	Short
SW Hall Blvd. Pedestrian Refuge*	40-80	State highway responsibility. Would be included in Hall Blvd. widening projects. MRTP Funding, LID, Urban Renewal	ODOT, M	Short
SW Locust St. Bike/Ped. Improvements	30-45	Local Improvement District Urban Renewal Program	WC, M, T	Short
People Mover	NA	Tri Met. Roadway system provided as part of street improvement recommendations.	WC, TM, M, T, B	Medium-Long

Key: WC=Washington County, TM=Tri-Met, T=Tigard, B=Beaverton, M=Metro, ODOT=Oregon Department of Transportation

¹ Project funded separately.

Table 1 (Continued, pg. 2)

Project Description	Costs (1000 \$)	Financing Strategy	Jurisdiction	Phasing
TRANSPORTATION IMPROVEMENTS				
Auto Modes-Regional				
Highway 217 Improvements*	NA	Federal and state highway funds. Part of a freeway corridor improvement program from I-5 to Hwy. 26.	ODOT, M	Medium-Long
Auto Modes-Local Regional Center				
North: Mall to Nimbus Connection-Options A & B*	30,000	MRTP Funds, Urban Renewal Program	T, B, M, ODOT	Medium
SW Nimbus Avenue North of Scholls Ferry Rd.	NA	Included in City of Beaverton TSP. Local improvement district Transportation impact fees	B	Short
SW Nimbus-Greenburg Connection*	38,000	MRTP Funds, Urban Renewal Program	T, M	Medium
South: Mall to Nimbus Connection	26,000	MRTP Funds, Urban Renewal Program	T, B, M, ODOT	Medium
SW Lincoln Street (Locust to Oak)	3,000	Local improvement district Transportation impact fees	T	Short-Medium
SW Hall Boulevard Widening*		State of Oregon, MRTP Funds, Urban Renewal Program	ODOT, M	Long
Three Lanes	18,000			
Five Lanes	24,000			
SW Locust Street (Hall to Greenburg)	40-55	Local Improvement District, Urban Renewal Program, Transportation Impact Fees	T, WC	Short

Key: WC=Washington County, TM=Tri-Met, T=Tigard, B=Beaverton, M=Metro, ODOT=Oregon Department of Transportation

Table 1 (Continued, pg. 3)

Project Description	Costs (1000 \$)	Financing Strategy	Jurisdiction	Phasing
TRANSPORTATION IMPROVEMENTS				
Near Term Traffic Operations Improvements	Cost varies. Say 500	Local improvement district Transportation impact fees	T, WC	Short-Medium
Signal timing on SW Greenburg Rd.				
EB turn lane from SW Hall to Scholls Ferry Rd.				
District-wide pedestrian improvements				
Shuttle system				
SB turn lane on SW Hall at Palmblad Ln.				
Auto Modes-New Development Responsibilities				
Washington Square Internal Roads*	Varies	New development responsibilities Local improvement district	T	Short-Medium
SW Cascade Avenue	Varies	New development responsibilities Local improvement district	B	Short-Medium
SW Oak Street Improvements (SW Hall to Lincoln)	40-55	New development responsibilities Local improvement district	T	Short-Medium
Total Unfunded Transportation Improvements	115,680-121,680			

Key: WC=Washington County, TM=Tri-Met, T=Tigard, B=Beaverton, M=Metro, ODOT=Oregon Department of Transportation

* Project on 2000 Metro Regional Transportation Plan (MRTP)

Table 2
Washington Square Regional Center
June, 2001

STORMWATER MANAGEMENT & RESOURCE ENHANCEMENT IMPROVEMENTS

Project Description	Costs (1000 \$)	Financing Strategy	Jurisdiction	Phasing
STORMWATER MANAGEMENT & RESOURCE ENHANCEMENT IMPROVEMENTS				
Existing Facility Upgrade And Replacement Program				
Upgrade residential area north of Oak	2,500-3,500	Service Charge Dedications Stormwater SDC Local Improvement District Urban Renewal Program	T, WC	Short-Medium
Upgrade/replacement for other areas	1,000-2,000		T, B	Medium
Demonstration project	230		T, WC	Short
Regional Center Stormwater Improvements ¹				
Ash Creek Middle Fork-Park Place to Cedarcrest Rd	130	Service Charge Dedications Stormwater SDC Local Improvement District Urban Renewal Program	T, WC	Short-Medium
Ash Creek-Hall to Metzger	168			
Ash Creek-Confluence to Highway 217	365			
Ash Creek-Phase 2 Washington Square Pre-Treat.	250			
Regional Center Resource Enhancement Improvements ¹				
Ash Creek-Highway 217 to Hall Blvd. ²	2,350	Urban Renewal Program	T	Medium-Long
Fanno Creek-Engle Wood Park Enhancement ³	2,800		T, B	
Best Practices Handbook	30	Urban Renewal Program	T	Short
Incentive Program for Innovative Stormwater Mgmt.				
Handbook	30	Service Charge Dedications	T	Short
Incentives/Grants	1,000	Urban Renewal Program	T, B, WC	Short-Medium
Sub-total Construction	10,853-12,853			
Total Stormwater/Natural Resource Program	15,200-18,000			

Key: WC=Washington County, T=Tigard, B=Beaverton

¹ Source: Fanno Creek Watershed Master Plan

² Includes the removal and redistribution of fill to increase flood storage within the Ash Creek floodplain and planting of native vegetations. Includes master plan preparation.

³ Includes enhancement of the existing pond by planting native vegetation, enhancing and creating wetlands, sloping the stream banks and stabilizing the streambed. Includes master plan preparation.

Table 3
Washington Square Regional Center
June, 2001

GREENWAY, PARKS AND OPEN SPACE SYSTEM IMPROVEMENTS

Project Description	Costs (1000 \$)	Financing Strategy	Jurisdiction	Phasing
PARKS AND OPEN SPACE SYSTEM IMPROVEMENTS				
Parks & Open Space Master Plan	250	Parks SDC	T, B, M	Short
Fanno Creek Linear Park Development¹	425-700	Parks SDC Metro Greenspaces Program	T, B, M, WC	Short-Medium
Ash Creek Linear Park Development²	1,710-2,850	Parks SDC Metro Greenspaces Program Urban Renewal Program	T, M	Short-Medium
Greenway Trail Connections				
Fanno Creek to Red Tail Golf Course	838-1,234	Parks SDC Urban Renewal Program	B, WC	Medium-Long
Red Tail golf Course Trail	245-555		T, B, WC	
Oleson Road to Hall Blvd. ³	345-1,540		T, WC	
Hall Blvd. to Metzger Park	150-275		T, WC	Short
Metzger School Improvements	150	Parks SDC, School District Urban Renewal Program	T, SD	Short
Whitford School Improvements	150		T, SD	
Ash Creek Neighborhood Park⁴	755-1,585	Parks SDC, Private Urban Renewal Program	T	Short-Medium
Washington Square Urban Open Space⁵	7,675-10,645		T	Medium-Long
Highway 217 Corridor Trail System	240-790	Complete as part of Hwy. 217 widening improvements.	ODOT	Medium-Long
Special Parks and Facilities⁶	175	Parks SDC, Urban Renewal Program, Targeted Fundraising, Private	T, B, WC	Medium
Total Parks & Open Space Improvements	13,108-20,899			

Key: WC=Washington County, T=Tigard, B=Beaverton, M=Metro, ODOT=Oregon Department of Transportation, SD=School District

¹ Assumes property acquisition of from 5-10 acres

² Assumes property acquisition of from 2.25 to 21.0 acres.

³ Higher cost assumes property acquisition of 6-8.5 acres.

⁴ Assumes property acquisition of 6 acres.

⁵ Assumes property acquisition of 4 acres.

⁶ Special Parks and Facilities will be funded by specific fund-raising activities associated with individual improvement proposals.

8. REFERENCES

Public Involvement

Washington Square Regional Center Plan Implementation, Recommended Public Involvement Plan, Cogan Owens Cogan, January 2001.

Washington Square Regional Center: Task Force and Technical Advisory Subcommittee Memberships.

Summaries of meetings of Washington Square Regional Center Task Force.

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Transportation Work Elements

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Project Recommendations, Evaluation and Implementation, Memorandum, Kittelson & Associates, June 19, 2001

Comparative Evaluation of Study Area Trip Generation, Technical Memorandum, Kittelson & Associates, Spencer & Kupper, April 17, 2001.

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Stormwater Management Assessment Report, URS/BRW, June, 2001.

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Greenbelt, Parks and Open Space Work Element

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Financing and Implementation Work Element

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Summary Report: Conclusions and Recommendations, Washington Square Regional Center Implementation, Spencer & Kupper, June 29, 2001.

THE WASHINGTON SQUARE REGIONAL CENTER PHASE II
IMPLEMENTATION TASK FORCE

A RESOLUTION REPORTING TO THE CITIES OF TIGARD AND BEAVERTON, AND WASHINGTON COUNTY THE TASK FORCE'S CONCLUSIONS AND RECOMMENDATIONS CONCERNING THE WASHINGTON SQUARE REGIONAL CENTER PLAN AND IMPLEMENTATION PROGRAM.

WHEREAS, in January 2000, the Tigard City Council approved the Washington Square Regional Center Plan, September 1999 (WSRC Plan) and related Comprehensive Plan and Zoning Code amendments, withholding enactment of these policies and standards until a number of transportation, natural resource, stormwater, and parks and open space issues were addressed; and

WHEREAS, the Tigard City Council appointed a Task Force of stakeholders to provide recommendations to the Tigard City Council, Beaverton City Council and the Washington County Commission regarding the Regional Center. The Task Force formed four Technical Advisory Subcommittees (TASes) to undertake detailed work on issues identified by the Council; and

WHEREAS, the Phase II Implementation work effort focused on a number of issues first articulated by the Tigard City Council and then defined as the work program of the Task Force, TASes and the consultant team. These charges to the Task Force are described in the Summary Report; and

WHEREAS, the Task Force, TASes, and consultants undertook technical and policy studies to address these charges, and involved the general public throughout the planning process. The reports and studies prepared, and the summaries of the public involvement process are included in the Summary Report and supplemental technical reports (collected in The Washington Square Regional Center Plan Phase II: Implementation, Task Force Final Work Products, July 2001). The findings and conclusions are based on the work of the Task Force, TASes, staff and consulting team, and consultation with the public; and

WHEREAS, the financing strategy described in the Summary Report identifies more than \$160 million in transportation, stormwater, parks and open space improvements needed over the next 20 years to support existing and anticipated businesses and residences in the area and to preserve its livability. Based on the analysis of revenue from the variety of sources that can be expected, adequate resources will be available during the next 20 years to fund the public improvements necessary to implement the WSRC Plan; and

NOW, THEREFORE, BE IT RESOLVED by the Washington Square Regional Center Task Force that:

SECTION 1: The Washington Square Regional Center Task Force accepts the technical work products produced during the Phase II Implementation process, and endorses the overall findings, conclusions and recommendations contained in the *Summary Report*. The Task Force recommends that the cities of Tigard and Beaverton, and Washington County take immediate steps to implement the *Washington Square Regional Center Plan*, and initiate actions to carry out the recommendations contained in the *Summary Report*. These actions include the following actions:

SECTION 2: Aggressively pursue transportation funding, including the Highway Trust Fund, state and local sources, and Metro's Metropolitan Transportation Improvement Program (MTIP).

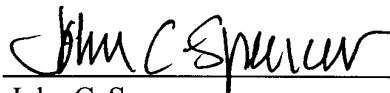
SECTION 3: Establish priorities for disbursement of system development charges from existing businesses and residents and new development activity within the Regional Center are allocated to the transportation and infrastructure needs within the Regional Center.

SECTION 4: Pursue the formation of local improvement district(s) (LIDs) where existing businesses and residents benefit directly from improvements to existing transportation and stormwater facilities, or relatively modest new improvements that benefit multiple property owners are needed.

SECTION 5: For specific improvements, aggressively pursue regional, state, and national grant and funding programs and dedications, donations and contributions from the private sector.

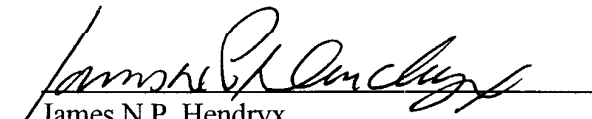
SECTION 6: Seriously consider the formation of an urban renewal district for the Regional Center as a local funding source for major transportation, stormwater, resource enhancement and parks and open space improvements that benefit the entire area.

PASSED: This 25th day of July 2001.



John C. Spencer
Lead Consultant
Spencer and Kupper

ATTEST:



James N.P. Hendryx
Community Development Director
City of Tigard

AGENDA ITEM # _____
FOR AGENDA OF August 21, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Land Use Appeal Process

PREPARED BY: Jim Hendryx DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Review of the Land Use Appeal process.

STAFF RECOMMENDATION

No action necessary.

INFORMATION SUMMARY

The purpose of this discussion is to update Council with the different appeal options for the various land use applications. No action is necessary.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

#1 - Flow Chart
#2 - Applicable Code Sections

FISCAL NOTES

N/A

LAND USE APPEALS

TYPE I DIRECTOR'S DECISION

♦ Accessory Residential Unit	♦ Sign
♦ Adjustment	♦ Temporary Use
♦ Home Occupation (Type I)	♦ Tree Removal

↓
Decision is final

↓
Appeal to LUBA

TYPE II DIRECTOR'S DECISION

♦ Home Occupation (Type II)	♦ Site Development Review
♦ Land Partition	♦ Subdivision
♦ Parking & Access Adjustment	♦ Variance
♦ Sensitive Lands Permit	

↓
Appeal to Hearings Officer

↓
Appeal to LUBA

TYPE III HEARINGS OFFICER OR PLANNING COMMISSION DECISION

♦ Conditional Use	♦ Historic Overlay
♦ Sensitive Lands in Flood Plain	♦ Planned Development Review
♦ Steep Slopes	♦ Zone Change
♦ Wetlands	

↓
Appeal to City Council

↓
Appeal to LUBA

TYPE IV CITY COUNCIL DECISION

♦ Comprehensive Plan	♦ Annexation
♦ Legislative Code or Plan Change	

↓
Appeal to LUBA

Chapter 18.390
DECISION-MAKING PROCEDURES

Sections:

18.390.010	Purpose
18.390.020	Description of Decision-Making Procedures
18.390.030	Type I Procedure
18.390.040	Type II Procedure
18.390.050	Type III Procedure
18.390.060	Type IV Procedure
18.390.070	Special Procedures
18.390.080	General Provisions

18.390.010 Purpose

- A. Purpose. The purpose of this chapter is to establish a series of standard decision-making procedures that will enable the City, the applicant, and all interested parties to reasonably review applications and participate in the local decision-making process in a timely and effective way. Each permit or action set forth in Chapters 18.320 - 18.385 has been assigned a specific procedure type.

18.390.020 Description of Decision-Making Procedures

- A. General. All development permit applications shall be decided by using one of the following procedure types. The procedure type assigned to each action governs the decision-making process for that permit, except to the extent otherwise required by applicable state or federal law. The Director shall be responsible for assigning specific procedure types to individual permit or action requests, as requested. Special alternative decision-making procedures have been developed by the City in accordance with existing state law, and are codified in Section 18.390.070.
- B. Types defined. There are four types of decision-making procedures, as follows:
1. Type I Procedure. Type I procedures apply to ministerial permits and actions containing clear and objective approval criteria. Type I actions are decided by the Director without public notice and without a public hearing;
 2. Type II Procedure. Type II procedures apply to quasi-judicial permits and actions that contain some discretionary criteria. Type II actions are decided by the Director with public notice and an opportunity for a hearing. If any party with standing appeals a Director's Type II decision, the appeal of such decision will be heard by the Hearings Officer;
 3. Type III Procedure. Type III procedures apply to quasi-judicial permits and actions that predominantly contain discretionary approval criteria. Type III actions are decided by either the Hearings Office (Type III-HO) or the Planning Commission (Type III-PC), with appeals to or review by the City Council;
 4. Type IV Procedure. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

- C. Summary of permits by decision-making procedure type. Table 18.390.1 summarizes the various land use permits by the type of decision-making procedure.

**TABLE 18.390.1
SUMMARY OF PERMITS BY TYPE OF DECISION-MAKING PROCEDURE**

Type	Permit/Land	Cross-Reference(s)
I (18.390.030)	Accessory Residential Units	18.710
	Development Adjustments	18.370.020 B2
	Home Occupation/Type I	18.742
	Landscaping Adjustments	
	- Existing Street Trees	18.370.020 C4a; 18.745
	- New Street Trees	18.370.020 C4b; 18.745
	Lot Line Adjustment	18.410.040
	Minimum Residential Density Adjustment	18.370.020 C2; 18.430; 18.715
	Nonconforming Use Confirmation	18.385.030A; 18.760
	Parking Adjustments	
	- Reduction of Minimum Parking Ratios in Existing Developmts/Transit Imp.	18.370.020 C5c; 18.765
	- Reduction in Stacking Lane Length	18.370.020 C5g; 18.765
	Signs	
	- New	18.780
	- Existing	18.780
	Site Development/Minor Modification	18.360.090
	Temporary Uses	
	- Emergency Uses	18.785
	- Seasonal/Special Uses	18.785
	- Temporary Building	18.785
	- Temporary Sales Office/Home	18.765
	Tree Removal	
	- Removal Adjustment	18.370.020 C7; 18.790
	- Removal Permit	18.790
	Wireless Communications Facilities -- Setback from Other Towers	18.370.040 C8b; 18798

Type	Permit/Land	Cross-Reference(s)
II (18.390.040)	Access/Egress Adjustment	18.370.020 C3b
	Conditional Use/Minor Modification	18.330.030
	Historic Overlay	
	- Exterior Alteration	18.740
	- New Construction	18.740
	- Demolition	18.740
	Home Occupation/Type II	18.742
	Land Partitions ¹	18.420.050
	Parking Adjustments	
	- Reduction in Minimum Parking Ratios	18.370.020 C5a; 18.765
	- Reduction of Minimum Parking Ratios in New Developments/Transit Imp	18.370.020 C5b; 18.765
	- Increase in Maximum Parking Ratios	18.370.020 C5d; 18.765
	- Reduction in Bicycle Parking	18.370.020 C5e; 18.765
	- Alternate Parking Garage Layout	18.370.020 C5f; 18.765
	Sensitive Lands Permits	
	- In 25%+ Slope	18.775
	- Within Drainageways	18.775
	- Within Wetlands ¹	18.775
	Sign Code Adjustment	18.370.020 C6; 18.780
	Site Development Review	
	- New Construction	18.360.090
	- Major Modification	18.360.090
IIIA (18.390.050) Hearings Officer	Subdivision Without Planned Development ¹	18.430.070
	Variances	18.370.010C
	Wireless Communication Facilities -- Adjustment to Setback from Residences	18.370.020 C8a; 18.798
	Appeals to Hearings Officer	18.390.040G
	Conditional Use	
	- Initial	18.330.030
	- Major Modification	18.330.030

Type	Permit/Land	Cross-Reference(s)
	Sensitive Lands	
	- Within 100-Year Floodplain	18.775
	- In 25%+ Slope ¹	18.775
	- Within Drainageways ¹	18.775
	- Within Wetlands ¹	18.775
IIIB (18.390.050) (Planning Comm.)	Historic Overlay	
	- District Overlay	18.385.010A; 18.740
	- Removal of District Overlay	18.385.010B; 18.740
	Planned Development	
	- With Subdivision	18.350.100; 18.430
	- Without Subdivision	18.350.100
	Zone Map/Text Change/Quasi-Judicial	18.380.030B
IV (18.390.060)	Annexation	18.320
	Zone Map/Text Change/Legislative	18.380.020

¹These may be processed as either Type II or III procedures, pursuant to Section 18.775.020 D and E.

18.390.030 Type I Procedure

A. Preapplication conference. A preapplication conference is not required for a Type I action.

B. Application requirements.

1. Application Forms. Type I applications shall be made on forms provided by the Director as provided by Section 18.390.080 E1.
2. Application Requirements. Type I applications shall:
 - a. Include the information requested on the application form;
 - b. Address the relevant criteria in sufficient detail for review and action; and
 - c. Be accompanied by the required fee.

C. Administrative decision requirements. The Director's decision shall address all of the relevant approval criteria. Based on the criteria and the facts contained within the record, the Director shall approve, approve with conditions or deny the requested permit or action.

D. Final decision. The Director's decision is final for purposes of appeal on the date it is mailed or otherwise provided to the applicant, whichever occurs first. The Director's decision is not appealable locally, and is the final decision of the City.

E. Section not used.

F. Section not used.

G. Effective date. The Director's decision is effective on the day after it is final.

18.390.040 Type II Procedure

A. Preapplication conference. A preapplication conference is required for Type II actions. Preapplication conference requirements and procedures are set forth in section 18.390.080C.

B. Application requirements.

1. Application Forms. Type II applications shall be made on forms provided by the Director as provided by Section 18.390.080 E1;
2. Submittal Information. The application shall:
 - a. Include the information requested on the application form;
 - b. Address the relevant criteria in sufficient detail for review and action;
 - c. Be accompanied by the required fee;
 - d. Include two sets of pre-stamped and pre-addressed envelopes for all property owners of record as specified in Section 18.390.040C. The records of the Washington County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;
 - e. Include an impact study. The impact study shall quantify the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with the dedication requirements, or provide evidence which supports the conclusion that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

C. Notice of pending Type II Administrative Decision.

1. Prior to making a Type II Administrative Decision, the Director shall provide notice to:
 - a. All owners of record within 500 feet of the subject site;
 - b. Any City-recognized neighborhood group whose boundaries include the site;
 - c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City which includes provision for such notice or who is otherwise entitled to such notice.

2. The purpose of such notice is to provide nearby property owners and other interested parties with an opportunity to submit written comments concerning the application, prior to issuance of the Type II Administrative Decision. The goal of this notice is to invite relevant parties of interest to participate early in the decision-making process;
3. Notice of a pending Type II Administrative Decision shall:
 - a. Provide a 14-day period for the submission of written comments prior to issuance of a decision on the permit;
 - b. List by commonly used citation, the approval criteria relevant to the decision;
 - c. State the place, date and time the comments are due, and the person to whom the comments should be addressed;
 - d. Include the name and telephone number of the person who will make the Administrative Decision;
 - e. Identify the specific permits or approvals requested;
 - f. Describe the street address or other easily understandable geographic reference to the subject site;
 - g. Indicate that failure of any party to address the relevant approval criteria with sufficient specificity may preclude subsequent appeals to the Land Use Board of Appeals or Circuit Court on that issue. Comments directed at the relevant approval criteria are what constitute relevant evidence;
 - h. Indicate that all evidence relied upon by the Director to make this decision shall be contained within the record, and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the Director;
 - i. Indicate that after the comment period closes, the Director shall issue a Type II Administrative Decision. The Director's decision shall be mailed to the applicant and to owners of record of property located within 500 feet of the subject site, and to anyone else who submitted written comments or who is otherwise entitled to notice;
 - j. Contain the following notice: "Notice to mortgagee, lienholder, vendor, or seller: The Tigard Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
- D. Administrative decision requirements. The Director's Decision shall address all of the relevant approval criteria. Based upon the criteria and the facts contained within the record, the Director shall approve, approve with conditions or deny the requested permit or action.
- E. Notice of decision.
 1. Within five days after signing the decision, a Notice of Decision shall be sent by mail to:
 - a. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;

- b. All owners of record of property as shown on the most recent property tax assessment roll, located within 500 feet of the site;
 - c. Any City-recognized neighborhood group whose boundaries include the site;
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City which includes provision for such notice or who is otherwise entitled to such notice.
2. The Director shall cause an affidavit of mailing of such notice to be prepared and make a part of the file, which indicates the date the notice was mailed and demonstrates that the required notice was mailed to the necessary parties in a timely manner;
3. The content of the Type II Notice of Decision shall contain:
- a. The nature of the application in sufficient detail to apprise persons entitled to notice of the applicant's proposal and of the decision;
 - b. The address or other geographic description of the subject property, including a map of the site in relation to the surrounding area, where applicable;
 - c. A statement of where the Director's decision can be obtained;
 - d. The date the Director's decision shall become final, unless appealed;
 - e. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;
 - f. A statement briefly explaining how an appeal can be taken, the deadline for filing such an appeal, and where further information can be obtained concerning the appeal; and
 - g. A statement that unless the applicant is the appellant, the hearing on an appeal from the Director's Decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period. Additional evidence concerning issues properly raised in the Notice of Appeal may be submitted by any party during the appeal hearing, subject to any additional rules of procedure that may be adopted from time to time by the appellate body.

F. Final decision and effective date. A Type II Administrative Decision is final for purposes of appeal when notice of the decision is mailed. A Type II Administrative Decision becomes effective on the day after the appeal period expires, unless an appeal is filed. If an appeal is filed and dismissed after the appeal period has expired, the Type II Administrative Decision becomes effective on dismissal of the appeal.

✓ G. Appeal. A Type II administrative decision may be appealed as follows:

- 1. Standing to appeal. The following parties have standing to appeal a Type II Administrative Decision:
 - a. The applicant;

- b. Any party who was mailed written notice of a pending Type II administrative decision;
- c. Any other party, who demonstrates by clear and convincing evidence that they participated in the proceeding through the submission of written or verbal testimony;

2. Appeal procedure.

- a. Notice of appeal. Any party with standing, as provided in Section G1 above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures;

(1) Time for filing. A Notice of Appeal shall be filed with the Director within ten business days of the date the Notice of Decision was mailed;

(2) Content of notice of appeal. The Notice of Appeal shall contain:

- (a) An identification of the decision being appealed, including the date of the decision;
- (b) A statement demonstrating the party filing the Notice of Appeal has standing to appeal;
- (c) A detailed statement of the specific issues raised on appeal;
- (d) A statement demonstrating that the specific issues raised on appeal were raised during the comment period, except when the appeal is filed by the applicant;
- (e) Filing fee.

(3) All Notices of Appeal for Type II Administrative Appeals shall be filed with the Director, together with the required filing fee. The amount of the filing fee shall be established by the Director. The maximum fee for an initial hearing shall be the cost to the local government for preparing and for conducting the hearing, or the statutory maximum, whichever is less.

- b. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be limited to the specific issues raised during the written comment period, as provided under Section 18.390.040C, unless the Hearings Officer, at his or her discretion, allows additional evidence or testimony concerning any other relevant issue. The Hearings Officer may allow such additional evidence if he or she determines that such evidence is necessary to resolve the case. The intent of this requirement is to limit the scope of Type II Administrative Appeals by encouraging persons with standing to submit their specific concerns in writing during the comment period. The written comments received during the comment period will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the Hearings Officer on appeal of a Type II Administrative Decision;
- c. Appeal procedures. Type III notice and hearing procedures shall be used for all Type II Administrative Appeals, as provided in Sections 18.390.050 C - F;

- H. Final decision and effective date. The decision of the Hearings Officer with regard to any appeal of a Type II Administrative Decision is the final decision of the City. The decision of the Hearings Officer is final for purposes of appeal on the day the decision is mailed. The decision is effective on the day after the appeal period expires, unless an appeal is filed. If an appeal is filed, the decision is effective on the day after the appeal is resolved;

18.390.050 Type III Procedure

- A. Preapplication conference. A preapplication conference is required for all Type III actions. The requirements and procedures for a preapplication conference are described in Section 18.390.080C.

B. Application requirements.

1. Application forms. Type III applications shall be made on forms provided by the Director as provided by Section 18.390.080 E1;
2. Content. Type III applications shall:
 - a. Include the information requested on the application form;
 - b. Address the relevant criteria in sufficient detail for review and action;
 - c. Be accompanied by the required fee;
 - d. Include two sets of pre-stamped, pre-addressed envelopes for all persons who are property owners of record as specified in Section 18.390.050C. The records of the Washington County Department of Assessment and Taxation shall be the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;
 - e. Include an impact study. The impact study shall quantify the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with the dedication requirements, or provide evidence which supports the conclusion that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

C. Notice of hearing.

1. Mailed notice. Notice of a Type II Administrative Appeal hearing or Type III hearing shall be given by the Director in the following manner:
 - a. At least 20 days prior to the hearing date, notice shall be sent by mail to:
 - (1) The applicant and all owners or contract purchasers of record of the site which is the subject of the application;

- (2) All property owners of record within 500 feet of the site;
 - (3) Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice, or who is otherwise entitled to such notice;
 - (4) Any neighborhood or community organization recognized by the City Council and whose boundaries include the site;
 - (5) Any person who has submitted a written request, and who has paid a fee established by the City Council; and
 - (6) In actions involving appeals, the appellant and all parties to the appeal.
- b. The Director shall cause an affidavit of mailing of notice to be prepared and made a part of the file, which demonstrates the date that the required notice was mailed to the necessary parties;
 - c. At least ten business days prior to the hearing, notice of the hearing shall be given in a newspaper of general circulation in the City. An affidavit of publication concerning such notice shall be made part of the administrative record;
 - d. At least ten business days prior to the hearing, notice of the hearing shall be posted on the site by the applicant, pursuant to Subsection 2 below. An affidavit of posting concerning such notice shall be prepared by the applicant and shall be submitted and made part of the administrative record.
2. Content of Notice. Notice of a Type II Administrative Appeal hearing or Type III hearing to be mailed, posted and published as provided in Subsection 1 above shall contain the following information:
- a. Explain the nature of the application and the proposed use or uses which could be authorized;
 - b. List the applicable criteria from the zoning ordinance that apply to the application at issue;
 - c. Set forth the street address or other easily understood geographical reference to the subject property;
 - d. State the date, time, and location of the hearing;
 - e. State the failure to raise an issue at the hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeal based on that issue;
 - f. Include the name of a City representative to contact and the telephone number where additional information may be obtained;
 - g. State that a copy of the application and all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost and that copies shall be provided at a reasonable cost;

- h. State that a copy of the staff report shall be available for inspection at no cost at least seven days prior to the hearing, and that a copy shall be provided at a reasonable cost;
- i. Include a general explanation of the requirements for submission of testimony and the procedure for conducting hearings.
- j. Contain the following notice: "Notice to mortgagee, lienholder, vendor, or seller: The Tigard Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. Conduct of the hearing.

- 1. At the commencement of the hearing, a statement shall be made to those in attendance that:
 - a. Lists the applicable substantive criteria;
 - b. States that testimony and evidence shall be directed toward the relevant approval criteria described in the staff report or other criteria in the plan or land use regulation which the person testifying believes to apply to the decision;
 - c. States that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals on that issue.
- 2. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional relevant evidence or testimony regarding the application so long as that evidence and testimony is within the scope of the hearing. The local hearing authority shall grant such request by continuing the public hearing pursuant to paragraph C of this subsection or by leaving the record open for additional written evidence or testimony pursuant to paragraph D of this subsection;
- 3. If the hearing authority grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days, to submit additional written evidence or testimony for the purpose of responding to the new written evidence;
- 4. If the hearing authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the City for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearing authority shall reopen the record pursuant to subsection E of this section;
 - a. A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 227.178, unless the continuance or extension is requested or agreed to by the applicant;

- b. Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application period. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.
5. When a local governing body, planning commission, hearing body, or hearings officer re-opens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue;
6. The record.
 - a. The record shall contain all testimony and evidence that is submitted and not rejected;
 - b. The Review Authority may take official notice of judicially cognizable facts pursuant to the applicable law. If the review authority takes official notice, it must announce its intention and allow the parties to the hearing to present evidence concerning the fact;
 - c. The Review Authority shall retain custody of the record as appropriate, until a final decision is rendered.
7. Parties to a Type II Administrative Appeal hearing or Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible. It is recognized, however, that the public has a countervailing right of free access to public officials. Therefore:
 - a. Review authority members shall disclose the substance of any pre-hearing ex parte contacts with regard to the matter at the commencement of the public hearing on the matter. The member shall state whether the contact has impaired the impartiality or ability of the member to vote on the matter and shall participate or abstain accordingly;
 - b. Any member of the Review Authority shall not participate in any proceeding or action in which any of the following has a direct or substantial financial interest: The member or member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Review Authority where the action is being taken;
 - c. Disqualification of a review authority member due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote;
 - d. If all members abstain or are disqualified, the administrative rule of necessity shall apply. All members present who declare their reasons for abstention or disqualification shall thereby be re-qualified to act;
 - e. In cases involving the disqualification or recusal of a hearings officer, the City shall provide a substitute hearings officer in a timely manner subject to the above impartiality rules.

8. Ex parte communications.

- a. Members of the Review Authority shall not:
 - (1) Communicate, directly or indirectly, with any party or representative of a party in connection with any issue involved in a hearing, except upon giving notice, and an opportunity for all parties to participate;
 - (2) Take notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case unless the parties are afforded an opportunity to contest the materials so noticed;
- b. No decision or action of the Review Authority shall be invalid due to ex parte contacts or bias resulting from ex parte contacts with a member of the decision-making body if the member of the decision-making body receiving contact:
 - (1) Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and
 - (2) Makes a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action shall be considered or taken on the subject to which the communication is related.
- c. Members of Review Authority shall be governed by the provisions of ORS 244.135 and the provisions of this section;
- d. A communication between City staff and the Review Authority shall not be considered an ex parte contact.

9. Presenting and receiving evidence.

- a. The Review Authority may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony;
- b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, but only pursuant to the schedule and procedure announced by the Review Authority prior to the close of the public hearing, or as otherwise provided by this section;
- c. The Review Authority may visit the site and the surrounding area, and may use information obtained during the site visit to support their decision, provided the information relied upon is disclosed at the hearing and that an opportunity is provided to rebut such evidence. In the alternative, a site visit may be conducted by the Review Authority for the purpose of familiarizing the Review Authority with the site and the surrounding area, but not for the purpose of independently gathering evidence. In such a case, at the commencement of the hearing, members of the Review Authority shall disclose the circumstances of their site visit and shall provide the parties with an opportunity to question each member of the Review Authority concerning their site visit.

E. The decision process.

1. Basis for decision. Approval or denial of a Type II Administrative Appeal or Type III action shall be based on standards and criteria, which shall be set forth in the development ordinance, and which shall relate approval or denial of a discretionary permit application to the development ordinance and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development ordinance and comprehensive plan for the City as a whole;
2. Findings and conclusions. Approval or denial of a Type II Administrative Appeal or Type III action shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards, and facts set forth;
3. Form of decision. The Review Authority shall issue a final order containing the above-referred findings and conclusions, which either approves, denies, or approves the permit or action with conditions. The Review Authority may also issue any intermediate rulings as they see fit;
4. Decision-making time limits. A final order for any Type II Administrative Appeal or Type III action shall be filed with the Director within ten business days after the close of the deliberation.

- F. Notice of decision. Notice of a Type II Administrative Appeal decision or a Type III decision shall be mailed to the applicant and to all parties of record within five business days after the decision is filed by the Review Authority with the Director. Failure to receive mailed notice shall not invalidate the action, provided that a good faith attempt was made to mail such notice.

G. Final decision

1. Final decision, effective date and appeal. The decision of the Planning Commission or Hearings Officer in a Type III action is final for purposes of appeal on the date notice of the decision is mailed. Any party with standing may appeal a Type III decision to the City Council by filing a Notice of Appeal with the Director within 10 business days of the date notice of the decision is mailed. The Notice of Appeal shall be in the form specified in Section 18.390.040 G.2(a)(2). The procedures of Sections 18.390.050 C-F shall be forwarded in the appeal.
2. Final Decision on Appeal. The decision of the City Council on any Type III appeal is the final decision of the City and is final and effective on the date notice of the decision is mailed.

18.390.060 Type IV Procedure

- A. Pre-Application conference. A pre-application conference is required for all Type IV actions. The requirements and procedures for a preapplication conference are described in Section 18.390.080C.
- B. Timing of requests. The Director shall receive proposed Type IV actions twice yearly. A completed application shall be submitted not more than 75 days and not less than 45 days before the first commission meeting in April and October. The Director may waive any of the above periods.
- C. Application requirements.
 1. Application forms. Application forms. Type IV applications shall be made on forms provided by the Director as provided by Section 18.390.080 E1;

2. Submittal Information. The application shall:

- a. Contain the information requested on the form;
- b. Address the appropriate criteria in sufficient detail for review and action;
- c. Be accompanied by the required fee; and
- d. Be accompanied by 18 copies of the narrative.

D. Notice of hearing.

1. Required hearings. Two hearings, one before the Commission and one before the Council, are required for all Type IV actions, except annexations where only a hearing by the City Council is required.
2. Notification requirements. Notice of the public hearings for the request shall be given by the Director in the following manner:
 - a. At least ten days prior to the scheduled hearing date, notice shall be sent to:
 - (1) The applicant;
 - (2) Any affected governmental agency;
 - (3) The individual recognized by the affected CIT as the official contact person; and
 - (4) Any person who requests notice in writing and pays a fee established by Council resolution.
 - b. At least ten business days prior to the scheduled public hearing date, notice shall be given in a newspaper of general circulation in the City.
 - c. The Director shall:
 - (1) For each mailing of notice, cause an affidavit of mailing to be filed and made a part of the record as provided by Subsection a; and
 - (2) For each published notice, cause an affidavit of publication to be filed and made part of the record as provided by Subsection b.
3. Content of notice. The notice given to persons entitled to mailed or published notice pursuant to this section shall include the following information:
 - a. The number and title of the file containing the application and the address and telephone number of the Director's office where additional information can be obtained;
 - b. A description of the location of the proposal reasonably calculated to give notice as to the location of the affected geographic area;

- c. A description of the substance of the proposal in sufficient detail for people to determine that a change is contemplated and the place where all relevant materials and information may be obtained or reviewed;
 - d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall or the rules of procedure set forth in Section 18.390.060E;
 - e. Each mailed notice required by this section of the ordinance shall contain the following statement: "Notice to mortgagee, lienholder, vendor, or seller: The Tigard Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
4. Failure to receive notice. The failure of any person to receive notice as required under Subsections B and C shall not invalidate the action, providing:
- a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;
 - b. Published notice is deemed given on the date it is published.

E. Hearing process and procedure.

- 1. Unless otherwise provided in the rules of procedure adopted by the City Council:
 - a. The presiding officer of the Commission and of the Council shall have the authority to:
 - (1) Regulate the course, sequence, and decorum of the hearing;
 - (2) Dispose of procedural requirements or similar matters; and
 - (3) Impose reasonable time limits for oral presentations.
 - b. No person shall address the Commission or the Council without:
 - (1) Receiving recognition from the presiding officer; and
 - (2) Stating their full name and residence address.
 - c. Disruptive conduct such as audience demonstrations in the form of applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
- 2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council, shall conduct the hearing as follows:

- a. The hearing shall be opened by a statement from the presiding officer setting forth the nature of the matter before the body, a general summary of the procedures set forth in this section, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or whether it will be the final decision of the Council;
 - b. A presentation of the Director's report and other applicable staff reports shall be given;
 - c. The public shall be invited to testify;
 - d. The public hearing may be continued to allow additional testimony or it may be closed; and
 - e. The body's deliberation may include questions to the staff, comments from the staff, or inquiries directed to any person present.
- F. Continuation of the public hearing. The Commission or the Council may continue any hearing and no additional notice shall be required if the matter is continued to a place, date, and time certain.
- G. Decision-making considerations. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:
1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;
 2. Any federal or state statutes or regulations found applicable;
 3. Any applicable METRO regulations;
 4. Any applicable comprehensive plan policies; and
 5. Any applicable provisions of the City's implementing ordinances.
- H. Approval process and authority.
1. The Commission shall:
 - a. After notice and a public hearing, formulate a recommendation to the Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
 - b. Within ten business days of determining a recommendation, cause the written recommendation to be signed by the presiding officer of the Commission and to be filed with the Director.
 2. Any member of the Commission who voted in opposition to the recommendation by the Commission on a proposed change may file a written statement of opposition with the Director prior to any Council public hearing on the proposed change. The Director shall transmit a copy to each member of the Council and place a copy in the record;

3. If the Commission fails to formulate a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative a proposed legislative change within 60 days of its first public hearing on the proposed change, the Director shall:
 - a. Report the failure together with the proposed change to the Council; and
 - b. Cause notice to be given, the matter to be placed on the Council's agenda, a public hearing to be held, and a decision to be made by the Council. No further action shall be taken by the Commission.
4. The Council shall:
 - a. Have the responsibility to approve, approve with modifications, approve with conditions, deny or adopt an alternative to an application for the legislative change or to remand to the Commission for rehearing and reconsideration on all or part of an application transmitted to it under this title;
 - b. Consider the recommendation of the Commission, however, it is not bound by the Commission's recommendation; and
 - c. Act by ordinance which shall be signed by the Mayor after the Council's adoption of the ordinance.
- I. Vote required for a legislative change.
 1. A vote by a majority of the qualified voting members of the Commission present shall be required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.
 2. A vote by a majority of the qualified members of the Council present shall be required to decide any motion made with respect to the proposed change.
- J. Notice of decision. Notice of a Type IV Decision shall be mailed to the applicant and to all parties of record within five business days after the decision is filed by the Review Authority with the Director. The City shall also provide notice to all persons according to other applicable laws.
- K. Final decision and effective date. Type IV decision shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.
- L. Record of the public hearing.
 1. A verbatim record of the proceeding shall be made by stenographic or mechanical means. It shall not be necessary to transcribe testimony. The minutes and other evidence presented as a part of the hearing shall be part of the record;
 2. All exhibits received and displayed shall be marked so as to provide identification and shall be part of the record;
 3. The official record shall include:

- a. All materials considered by the hearings body;
- b. All materials submitted by the Director to the hearings body with respect to the application;
- c. The verbatim record made by the stenographic or mechanical means, the minutes of the hearing, and other documents considered;
- d. The final ordinance;
- e. All correspondence; and
- f. A copy of the notice which was given as provided by section 18.30.080, accompanying affidavits and list of persons who were sent mailed notice.

18.390.070 Special Procedures

- A. Expedited Land Divisions. An Expedited Land Division ("ELD") shall be defined and may be used in the manner set forth in ORS 197.360, as may be amended from time to time, which is expressly adopted and incorporated by reference here.
 - 1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD at the time the application is filed, or forfeit his/her right to use it;
 - 2. Review procedure. An ELD shall be reviewed in accordance with the procedures set forth in ORS 197.365, as may be amended from time to time, which are expressly adopted and incorporated by reference here;
 - 3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures set forth in ORS 197.375, as may be amended from time to time, which are expressly adopted and incorporated by reference here. Pursuant to ORS 97.375(3), the referee appointed by the City to conduct the appeal may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument.
- B. Limited Land Use Decisions. A Limited Land Use Decision (LLD) shall be defined and may be used in the manner set forth in ORS 197.015(12), as may be amended from time to time, which is expressly adopted and incorporated by reference here.
 - 1. Selection. An applicant for a permit who wishes to use an LLD procedure instead of the regular procedure type assigned to it, must request the use of the LLD at the time the application is filed, or forfeit his/her right to use it;
 - 2. Decision-making procedure. An LLD shall be reviewed in accordance with the procedures set forth in ORS 197.195, as may be amended from time to time, which are expressly adopted and incorporated by reference here. The City shall follow the review procedures applicable to the City's Type II procedures, as set forth in Section 18.390.040 except to the extent otherwise required by applicable state law.

18.390.080 General Provisions

A. General provisions.

1. Special definitions. For purposes of this section, the following definitions apply:
 - a. "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts;
 - b. "Evidence" means facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.
 - c. "Final for purposes of appeal" means the point at which an action or decision by any local decision-making body constitutes the final action or decision by that particular body. Because certain actions or decisions may be appealed or reviewed by other decision-making bodies within the City, an action or decision may be "final for purposes of appeal," without being the "final" action or decision of the City.
 - d. "Effective date" means the date on which a particular action or decision may be undertaken or otherwise implemented. For decisions which are subject to review or appeal by any city council, board, or officer, the effective date will normally be the day after the appeal period expires. If an appeal is dismissed after the appeal period has expired, the decision that was the subject of the appeal becomes effective at the moment of dismissal. Final decisions of the City (those that are not subject to any further appeal or review within the City) are normally effective when they become final.
2. Time computation. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

- B. Determination of decision-making type. The Director shall have the initial authority to determine the proper decision-making type relevant to the permit or actions requested. The decision of the Director may be appealed only as a relevant issue through the process assigned by the Director to the underlying permits or actions. If the Director's determination regarding the proper decision-making type is not raised as an issue within the process assigned by the Director to the permit or action requested, the Director's decision shall be final concerning the applicable decision-making type.

C. Pre-application conferences.

1. Participants. When a preapplication conference is required, the applicant shall meet with the Director or his/her designee(s);
2. Information provided. At such conference, the Director shall:
 - a. Cite the applicable comprehensive plan policies and map designation;

- b. Cite the applicable substantive and procedural ordinance provisions;
 - c. Provide technical data and assistance which will aid the applicant;
 - d. Identify other policies and regulations that relate to the application; and
 - e. Identify other opportunities or constraints that relate to the application.
3. Disclaimer. Failure of the Director to provide any of the information required by this chapter shall not constitute a waiver of the standards, criteria or requirements of the applications;
 4. Changes in the law. Due to possible changes in federal, state, regional, and local law, information given by staff to the applicant during the preapplication conference concerning these laws must be verified by the applicant to ensure that such laws are current on the date the application is submitted. The applicant is responsible for ensuring that its application complies with all of the law applicable on the day the application is deemed complete.

D. Applications.

1. Initiation of applications:
 - a. Applications for approval under this chapter may be initiated by:
 - (1) Order of Council;
 - (2) Resolution of the Commission;
 - (3) The Director;
 - (4) Application of a recorded owner of property or contract purchasers.
 - b. Any persons authorized by this title to submit an application for approval may be represented by an agent authorized in writing to make the application.
2. Consolidation of proceedings. Whenever an applicant requests more than one approval and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding;
 - a. When a request which contains more than one approval is consolidated, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under Section 18.390.100C in the following order of preference: the Council, the Commission, the Hearings Officer, or the Director.
 - b. Where there is a consolidation of proceedings.
 - (1) The notice shall identify each action to be taken;
 - (2) The decision on a plan map amendment shall precede the decision on the proposed zone change and other actions; and,
 - (3) Separate actions shall be taken on each application.

3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:
 - a. Acceptance. When an application is received by the City, the Director shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted; and shall be immediately returned to the applicant;
 - (1) The required form;
 - (2) The required fee;
 - (3) The signature of the applicant on the required form.
 - b. Completeness.
 - (1) Review and notification. When the application is accepted, the Director shall review the application for completeness. If the application for a permit, limited land use, or zone change is incomplete, the Director shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information;
 - (2) When application deemed complete. The application shall be deemed complete upon the receipt by the Director of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed to be complete on the 31st day after the Director first reviewed the application;
 - (3) Standards and criteria apply to the application. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, and the City has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application, shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
4. Changes or additions to the application during the review period. Once an application is deemed complete:
 - a. All documents and other evidence relied upon by the applicant, but submitted after the application has been deemed complete, shall be submitted to the Director at least seven days before the notice of action or hearing is mailed. Documents or other evidence submitted after that date shall be received by Director, but may be too late to be considered by the Director in the staff report or Director's decision, as the case may be;
 - b. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review body may determine whether or not the new documents or other evidence submitted by the applicant, significantly changes the application;

- c. If the assigned review body determines that the new documents or other evidence significantly changes the application, the assigned review body shall make a written determination that a significant change in the application has occurred as part of the review body's decision. In the alternate, the review body or the Director may inform the applicant either in writing, or orally at a public hearing, that such changes will likely constitute a significant change, and provide the applicant with the opportunity to withdraw the new materials submitted, in order to avoid a determination of significant change;
 - d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions:
 - (1) Continue to process the existing application and allow the applicant to resubmit a new application with the proposed significant changes. In this situation, both the old and the new applications will be allowed to proceed, but each will be deemed complete on different dates and may therefore be subject to different laws;
 - (2) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. In this situation, before the existing application can be suspended, the applicant must consent to a waiver of the 120-day rule on the suspended application. If the applicant does not consent, the City shall not select this option;
 - (3) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. In this situation, the City will complete its initial decision-making process without considering the new evidence;
 - e. If a new application is resubmitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and may be subject to new standards and criteria, pursuant to the law in effect at the time the new application is deemed complete.
- E. Director's duties. With regard to processing applications submitted under this chapter, the Director shall:
- 1. Prepare application forms made pursuant to the standards contained in the applicable state law, comprehensive plan, and implementing ordinance provisions;
 - 2. Prepare information sheets for each permit, detailing the specific information which must be contained in the application including format and number of copies. These information sheets may only be amended once a year;
 - 3. Accept all development applications which comply with the provisions of Section 18.380.080 C3;
 - 4. Prepare a staff report or notice to the proposal and found by the Director to be true:
 - a. In the case of an application subject to a Director's decision, make the staff report and all case-file materials available at the time the notice of the decision is given;
 - b. In the case of an application subject to a hearing, make the staff report available seven days prior to a scheduled hearing date and the case-file materials available when notice is mailed, as provided by Sections 18.390.040C, 18.390.050C or 18.390.060D;

5. Administer the hearings process;
6. Maintain a register of all applications which have been filed for a decision. The register shall identify at what stage the applicant is in the process;
7. File notice of the final decision in the records of the Planning Division and mail a copy of the notice of the final decision to the applicant and all parties and to those persons requesting copies of such notices who pay the necessary fees;
8. Maintain and preserve the file for each application. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given, and the accompanying affidavits, the application and all supporting information, the staff report, the final decision, including the findings, conclusions and conditions, if any, all correspondence, and minutes of any meeting at which the application was considered and any other exhibit, information or documentation which was considered by the hearing body with respect to the application; and
9. Administer the appeals and review process.

F. Amended decision process.

1. The Director or Hearings Officer may issue an amended decision issued by the review body after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 10 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law.
2. The notice for an amended decision shall be the same as that which applies to a Type II procedure as governed by Section 18.390.040E.
3. The purpose of an amended decision is to provide the Director the ability to correct typographical errors, rectify inadvertent omissions and/or make other minor changes which do not materially alter the decision.

- G. Re-submittal of application following denial. An application which has been denied or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least 12 months from the date the final City action is made denying the application unless there is substantial change in the facts or a change in City policy which would change the outcome. ■

AGENDA ITEM #: _____
FOR AGENDA OF: 8.21.01

**CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY**

ISSUE/AGENDA TITLE: Metro Urban Growth Boundary Periodic Review Discussion.

PREPARED BY: Julia Hajduk **DEPT HEAD OK** _____ **CITY MGR OK** _____

ISSUE BEFORE THE COUNCIL

Discuss Metro's questions regarding the City's perception of Metro's 2040 growth concept prior to a meeting with Metro on September 10, 2001.

STAFF RECOMMENDATION

Discuss the attached questions (Attachment 1) to flush out issues prior to the meeting with Metro on September 10, 2001.

INFORMATION SUMMARY

Metro is in the process of periodic review and wanted to have a dialog with City Council to see how the growth concept is working in Tigard, how it conflicts with or supports the City's vision and what issues Metro needs to address. Metro has provided a list of topic questions which they would like to discuss. These questions are attached as Attachment 1. Staff would like to discuss these questions with Council prior to the meeting with Metro on September 10, 2001 so that any information needed by Council to help in the conversations can be provided prior the meeting.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

All of the City's Vision Task Force goals are applicable as the discussion pertains to how Metro's growth concept supports or conflicts with the community's vision.

ATTACHMENT LIST

Attachment: 1 – Metro's Periodic Review Discussion Topics

FISCAL NOTES

N/A



METRO

**Periodic Review Discussion Topics for Meetings with Local Government Officials
Spring/Summer 2001**

- What are the major issues your community is facing?
- What do you see as the major challenges to managing growth in your community?
- Is the Functional Plan helpful in shaping your community? If not, why not?
- Metro is currently in periodic review with the state for the urban growth boundary. Next year the Metro Council will be considering additional policies to shape growth in the region. This might include amendments to the urban growth boundary or additional tools as well as more funding for parks and greenspaces. What policy directions do you think Metro should take?
- Before the urban growth boundary is moved, we must determine whether projected growth can be accommodated inside the current boundary. In your opinion, are there opportunities to use existing urbanized land more efficiently?
- If we do expand the UGB, where do you believe expansion is appropriate and needed and where not? Why?
- How and who should pay for the costs associated with growth – new or improved roads, sewers, water, schools, parks and open spaces?
- What, if any, changes to the Regional Framework Plan could help your community work better?
- How does the Metro Policy Advisory Committee (MPAC) and the Joint Policy Advisory Committee on Transportation work for you?

AGENDA ITEM # _____
FOR AGENDA OF 08/21/01

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Photo Radar Update

PREPARED BY: Ron Goodpaster DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

The purpose of this agenda item is to provide Council with updated information regarding photo radar.

STAFF RECOMMENDATION

Only action for Council is to receive information.

INFORMATION SUMMARY

As you recall, I have been before you previously discussing the implementation of photo radar in Tigard. Over the past 2 years, the vendors have changed, there are more vendors, digital technology has become available, and the cost of the different programs has also changed. After conducting extensive research, it appears probable that for photo radar to pay for itself, we would have to issue over twice as many speeding citations as we currently average. Our present monthly average is 1,900 per month, and we would have to issue approximately 7,000 per month. This would be in addition to an additional equipment cost for a vehicle and the photo radar equipment.

We are not proceeding with photo radar. I am very concerned about the public tolerance and reaction of more than doubling the number of speeding citations we issue and the ability for the program to pay for itself.

OTHER ALTERNATIVES CONSIDERED

No other alternatives are under consideration.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Traffic and Transportation Goal #1.

FISCAL NOTES

No financial impact.

AGENDA ITEM # _____
FOR AGENDA OF August 21, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Solid Waste Rate Policy Clarification and Feedback

PREPARED BY: Tom Imdieke/Loreen Mills DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

In order for the rate review process to proceed in the most efficient manner, there is a recognized need to obtain early feedback from Council members before developing a recommended rate structure.

STAFF RECOMMENDATION

Provide feedback on solid waste policy.

INFORMATION SUMMARY

In response to recent changes in the solid waste hauling market and an expressed concern from the two haulers in the City of Tigard, Pride Disposal and Miller's Sanitary (Waste Management), City staff began a solid waste rate review in June, 2001. A citizen-based Solid Waste Work Group has been convened to give input to this process to assist the City in addressing citizen's concerns and needs as well as the City's and haulers issues. In order for the rate review process to proceed in the most efficient manner, there is a recognized need by all players to obtain early feedback from Council members before developing a recommended rate structure. The attached memo explains in more detail the policy issues involved.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

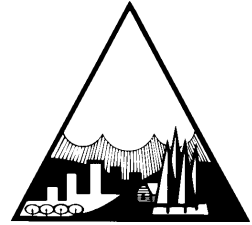
ATTACHMENT LIST

Memo from Tom Imdieke and Loreen Mills with attachments.

FISCAL NOTES

N/A

MEMORANDUM



TO: Bill Monahan, City Manager

FROM: Tom Imdieke, Financial Operations Manager
Loreen Mills, Risk Manager

RE: Solid Waste Rate Policy Clarification and Feedback

DATE: August 7, 2001

ISSUES:

In response to recent changes in the solid waste hauling market and an expressed concern from the two haulers in the City of Tigard, Pride Disposal and Miller's Sanitary (Waste Management), City staff began a solid waste rate review in June, 2001. A citizen-based Solid Waste Work Group has been convened to give input to this process to assist the City in addressing citizen's concerns and needs as well as the City's and haulers issues.

In order for the rate review process to proceed in the most efficient manner, there is a recognized need by all players to obtain early feedback from Council members before developing a recommended rate structure. Following are the questions for Council comment and direction prior to the development of a rate structure proposal for an eventual Council public hearing. After the questions, you will find information about the current solid waste market and Council policy that will assist you in the discussion of this issue.

A. Financial Rate Direction

1. The aggregate rate of return for the haulers in 2000 was 11.6%. Current Council policy appears to staff to require any rate adjustment be set at an aggregate rate of return of 10%. Haulers suggest the Council policy only requires rate adjustments triggered by annual financial report review to adjust to the 10% rate of return. This difference of opinion raises the question as to what Council's intent is and is this still Council's direction?
2. Does Council desire to continue with a phased-in reduction of the commercial subsidy of residential rates?
3. Does Council desire to continue to move towards rates based on cost of service delivery?
4. Should the City continue using the average of the residential rates in the cities of Tualatin, Beaverton, Lake Oswego, and Portland for comparison to Tigard rates? The surrounding cities, other than Portland, do not have the same policy to reduce the residential subsidy by commercial customers. Currently, City of Portland franchises only residential solid waste collection, thus represents true cost of service.

B. Rate Adjustment Strategy Discussion

1. Is there any policy preference of Council for adjusting the solid waste rates to encourage consumer recycling/participation patterns? Examples could include:

Policy Preference

Encourage more residential recycling

Individual customers don't drive up cost for all customers

Rate Adjustment Strategies

Charge more than cost of service for 2nd garbage cart.

Or

Include recycling services in base rate for all customers.

Miscellaneous rates allow customer to pay for extra hauler services rather than spreading cost to all customers.

BACKGROUND INFORMATION:

General Process Information. The following is driving the current solid waste rate review process:

1. Concern expressed by both haulers that they needed the ability to remain competitive in the drop box collection portion of their business because of the recent court challenges; and
2. The lack of being competitive in the drop box portion of their business would not allow them to sustain the current aggregate gross profit of 11.6%.

Given the fact that the haulers requested a rate review and the Tigard Municipal Code (11.04) prescribes that the Council shall give consideration for rate change proposals, staff began the current rate review process.

As part of this review process, a citizen-based Solid Waste Work Group was formed with individuals representing a wide variety of interests. A list of the members of the work group is attached to this memorandum. This group has been asked to:

- Review and comment on the City of Tigard's solid waste rate structure based on existing City Council policy, current case law/litigation, and industry practices; and
- Review and comment on rate structure options that may be considered by the Tigard City Council.

The group has met on two different occasions along with City staff, the haulers, and the City's CPA firm, Merina, McCoy. Merina, McCoy, is a public accounting firm who specializes in analyzing and developing solid waste rates in the Pacific Northwest. Since they have done work with members of the Washington County Solid Waste Cooperative, this firm has a strong understanding of issues effecting jurisdictions in this area.

The information below is listed in order of the discussion areas "A" and "B" identified above.

Finance Rate Direction Discussion Area "A" The Council policy adopted in 1996 (attached as Resolution No. 96-03) determined that there should be a formal recognition of Council policies for what rate of return will be allowed haulers on their operating margin and how the existing commercial rate subsidy of residential rates will be modified over time.

The policy provides that "if the aggregate profit rate falls below eight percent (8%) the solid waste rates charged by the haulers, the City Council shall consider an adjustment to provide a ten percent (10%) margin. If the aggregate profit rates exceed twelve (12%) percent, the City Council shall consider an adjustment downward to provide a ten percent (10%) margin." The policy also states that it was the "desire of the City Council to eventually have each solid waste service type be profitable on its own." It was acknowledged at that time that there was a commercial subsidy of residential rates and the Council expressed interest in seeing a phased-in reduction of the subsidy over a period of time (cost of service). The policy provided that the subsidy would be reduced "to the extent competitive rates allow and at increments acceptable to the City Council." It was the intent that this policy be reviewed each time there was an adjustment to solid waste rates.

The policy also provides guidance as to how the City would preserve competitive residential rates in the City. The policy states that "residential rates will not exceed the average rate for the same residential services in the abutting communities to Tigard: Tualatin, Beaverton, Lake Oswego, and Portland." It is important to note that three of these four city's rate structures are not based on a cost of service model or policy. Therefore, it might not support Council's policy to move to cost of service if cities other than Portland are used to determine a competitive residential rate.

Rate Adjustment Strategy Discussion Area "B" Historically, Council has encouraged recycling and moved towards cost of service rate model in Tigard. Council has also encouraged pilot programs to develop a method for weight-based rates to allow the cost of disposal directed towards the individual customer that created the solid waste.

IN CLOSING:

It is anticipated that the rate discussion with haulers and the Solid Waste Work Group could be concluded in time for a public hearing before Council in late September or October. It is possible a rate adjustment could be passed through to the residential and commercial customers by 1/1/02.

Copies to:

Pride Disposal
Waste Management (d.b.a. Miller's)
Solid Waste Work Group Members
Gary Firestone of Ramis, Crew

Attachments:

Solid Waste Work Group Membership List
Council Policy Resolution No. 96-03

**City of Tigard Solid Waste Work Group
Citizen Members**

Member

Representing

Cece Dispenza

Tigard resident

Bill Gerkin

Resident of Summerfield

Mark A. Irwin

Tigard resident

Gerry McReynolds

Washington County Solid
Waste Advisory Committee
Chair and Tigard resident

Rick Boyce

Member of Tigard Chamber of
Commerce

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CITY OF TIGARD, OREGON
RESOLUTION NO. 96 - 03

A RESOLUTION OF THE TIGARD CITY COUNCIL FORMALIZING COUNCIL POLICIES AFFECTING SOLID WASTE RATE ACTIONS.

WHEREAS, the Tigard City Council desires to manage solid waste rates in a manner which is consistent with the Solid Waste Management Ordinance (TMC 11.04); and

WHEREAS, the Solid Waste Industry and recycling programs continue to rapidly change; and

WHEREAS, the Tigard City Council wishes to establish policies for solid waste management to insure rates are just, fair, reasonable and adequate to provide necessary service to the public; and

WHEREAS, the Tigard City Council has determined that there should be formal recognition of Council policies for (1) how the commercial rate subsidy of residential rates will be modified over time, and, (2) what rate of return will be allowed for haulers on their operating margin.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council will use the following policy when it reviews any changes to the residential or commercial solid waste rates in an effort to reduce the commercial subsidy of residential service rates over a period of time:

COMMERCIAL RATE SUBSIDY REDUCTION POLICY

It is the desire of the Tigard City Council to eventually have each solid waste service type be profitable on its own. Since there currently exists a commercial subsidy of the residential rates, a phased-in reduction of the subsidy over an extended period of time is anticipated. The subsidy will be reduced to the extent competitive rates allow and at increments acceptable to the City Council.

This policy will be reviewed each time Council considers solid waste rate adjustments in the future.

In order to preserve competitive residential rates in the City of Tigard, the residential rates will not exceed the average rate for the same residential services in the abutting communities to Tigard: Tualatin, Beaverton, Lake Oswego, and Portland.

SECTION 2: The Finance Director will use the following policy when computing the solid waste haulers' rate of return:

OPERATING MARGIN/RATE OF RETURN POLICY

The Operating Margin, or rate of return, will be calculated on the before tax net profit as a percentage of gross revenue. The Finance Director will review the Solid Waste Haulers' annual financial reports and gather any clarifications deemed necessary from the haulers or their designated representatives each year.

The Finance Director, after being satisfied that the reports are complete and properly filled out in accordance with the instructions provided, will determine the "profit rate" by the aggregate pre-tax net income of the haulers as a percentage of aggregate gross revenues.

The Finance Director will then report the results to the City Administrator, the Mayor and City Council. If the aggregate profit rate falls below eight percent (8%) the solid waste rates charged by the haulers, the City Council shall consider an adjustment to provide a ten percent (10%) margin. If the aggregate profit rates exceed twelve percent (12%), the City Council shall consider an adjustment downward to provide a ten percent (10%) margin.

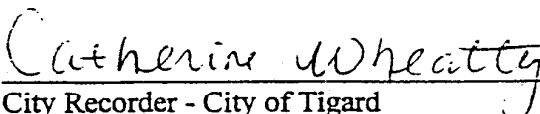
After consideration of all information provided in the annual reports, staff will submit the results of the rate setting procedure and recommendations for rate adjustments, if necessary, to the City Council.

PASSED: This 23rd day of January, 1996.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

RESOLUTION NO. 96-03

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